



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

Board of Mechanical Rules
Okemos Office Building
2501 Woodlake Circle
Conference Room 3
First Floor
Okemos, Michigan
July 16, 2008
9:00 a. m.

- A G E N D A -

- | | | |
|----|--|--------------|
| 1 | <u>Call to Order and Determination of Quorum</u> | Chairperson |
| 2. | <u>Approval of May 14, 2008 Minutes(pages 3-8)</u> | Chair person |
| 3. | <u>Applicants for Registration(page 9)</u> | T. Barry |
| 4. | <u>Settlement Agreements</u> | T. Barry |
| | BCC Complaint No. 08-0040-M Stewart G. Nunnelley(pages 10-30)
BCC Complaint No. 05-0445-M -- Daniel E. Hogan(Pages 31-57) | |
| 5. | <u>Examination Appeals</u> | T. Barry |
| | Document M-08-13 Ronald Kowalski(pages 58-67)
Document M-08-14 Thomas Ballard(pages 68-77) | |
| 6. | <u>Request to Appear Before the Board</u> | T. Barry |
| | Document M-08-11 Robert Walker(pages 78-87)
Document M-08-15 Michael Ruhl(pages 88-107) | |
| 7 | <u>Appeal Hearing</u> | Chairperson |
| | Appeal Document CCC-MECH 08-007
Midwest Church Design, Ltd. -- Jack Berry(pages 108-116) | |

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/dleg

DLEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

8. Old Business

Document M-07-30 Reginald I. McKinney Report (tabled 11/14/07, 01/23/08, 03/19/08, 5/14/08)

9. New Business

Chairperson

10. Legislative Report

I. Barry

11. Public Comment

Chairperson

12. Adjournment

Chairperson

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact Claudia Tenny at 517/241-9325 at least (10) working days before the event.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

**BOARD OF MECHANICAL RULES
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES**

Conference Room 3
2501 Woodlake Circle
Okemos, Michigan 48864

MINUTES

May 14, 2008

9:00 a.m

MEMBERS PRESENT

Mr. H. Edward Bartram
Mr. Joseph Connors
Mr. Lawrence Hale II
Mr. Robert Jagenberg
Mr. Patrick Maher
Mr. Mark Mangione
Mr. Michael Ogletree
Mr. Gregory Parker
Mr. George B. Shields
Mr. Christopher Stockwell
Mr. Charles Wash

MEMBERS ABSENT

Mr. Charles Inman
Mr. William Steele
Mr. Gary VanOchten

DRAFT

**MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PERSONNEL
ATTENDING**

Mr. Tennison B. Barry, Chief, Mechanical Division, Bureau of Construction Codes
Ms. Claudia Tenny, Secretary, Mechanical Division, Bureau of Construction Codes
Ms. Beth Aben, Deputy Director, Bureau of Construction Codes
Mr. Kevin Kalakay, Assistant Chief, Mechanical Division, Bureau of Construction Codes
Mr. Irvin Poke, Chief, Plan Review Division

OTHERS IN ATTENDANCE

Kahtan Boulis
Robert W. Secco, Jr.
James Chaney
Paul Hart

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Board of Mechanical Rules

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May 14, 2008

Craig S. Empey
Scott Tweedale
Craig Swanson, Jr.
Ray Shull, Shull & Scott, Inc, Auntie Anne's Pretzels
Dave DeGrow, Charter Township of Bangor
Mark Shaw, The Melting Pot
Jay Walden, The Melting Pot
Vern Pappas, City of Ann Arbor
Randy Vander Hoff, The Melting Pot
Pete Flanagan, The Melting Pot
William Goodspeed, The Melting Pot
William Radu, The Melting Pot

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Mr. Robert Jagenberg, Chairperson, called the meeting to order at 9:15 a.m. Roll was called and a quorum was determined.

Mr. Jagenberg announced the following reappointments to the Board:

DRAFT
Mr. Lawrence H. Hale II
Mr. Mark D. Mangione
Mr. Michael E. Ogletree
Mr. George B. Shields
Mr. Christopher J. Stockwell

Mr. Jagenberg also introduced Deputy Director for the Bureau of Construction Codes, Ms. Beth Aben and Assistant Chief of the Mechanical Division, Mr. Kevin Kalakay.

2. APPROVAL OF MINUTES

Mr. Wash made a **MOTION** to approve the minutes of the March 19, 2008 meeting, seconded by Mr. Mangione. **MOTION CARRIED.**

3. APPLICANT FOR REGISTRATION

Mr. Wash made a **MOTION** to approve the following for registration as Mechanical inspector, seconded by Mr. Stockwell. **MOTION CARRIED.**

Frederick W. Inman
James D. Ratliff

4. SETTLEMENT AGREEMENT (ADDENDUM)

BCC Complaint No. 08-0040-M Stewart G. Nunnelley

The Settlement Agreement was removed from the Agenda at the request of Mr. Scott Fisher, BCC, OLGCS.

5. REGISTRATION APPEAL

Document M-08-04 Robert W. Secco, Jr. Mr. Secco appeared before the Board to appeal of the denial of his application for provisional registration as a mechanical inspector. Mr. Barry explained the basis of the denial. Mr. Secco addressed the Board and explained his qualifications and answered questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Hale to deny the appeal. **MOTION CARRIED.**

6. EXAMINATION APPEALS

Document M-08-05 Kahtan Boulis. Mr. Boulis appeared before the Board to appeal the denial by staff to upgrade his Mechanical Contractor License in classifications #2, HVAC Equipment and #3, Ductwork. Mr. Barry explained to the Board the basis of the denial. Mr. Boulis addressed the Board and explained his work experience and the basis of his appeal. Mr. Boulis also answered questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Maher to deny the appeal. **MOTION CARRIED.**

Document M-08-06 James Chaney. Mr. Chaney appeared before the Board to appeal the denial by staff for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial. Mr. Chaney addressed the Board regarding his work experience and answered questions from various Board Members. A **MOTION** was made by Mr. Wash and seconded by Mr. Stockwell to approve the appeal for examination in #6, Unlimited Heating Service only. **MOTION CARRIED.**

Board of Mechanical Rules

Page 4

May 14, 2008

Document M-08-07 Craig Steven Empey. Mr. Empey appeared before the Board to appeal the denial by staff for examination in Classifications #1, Hydronic heating and cooling and process piping, #4, Refrigeration, #6, unlimited heating service, #7, Limited refrigeration and A/C service and #8, Unlimited refrigeration and A/C service. Mr. Barry explained the basis of the denial. Mr. Empey addressed the Board regarding his work experience and answered questions from various Board Members. With additional documentation presented by Mr. Empey, he was approved for examination in #4, Refrigeration. A **MOTION** was made by Mr. Parker and seconded by Mr. Bartram to accept staff recommendations and deny the appeal for #1, #6, #7 and #8 **MOTION CARRIED.**

Document M-08-08 Paul Hart. Mr. Hart appeared before the Board to appeal the denial by staff for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial. Mr. Hart addressed the Board and related his work experience as well as answer questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Wash to accept staff recommendation and deny the appeal **MOTION CARRIED.**

Document M-08-09 Joseph Yulga. Mr. Yulga did not attend the meeting to appeal his denial for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial. After a review of the submitted documents a **MOTION** was made by Mr. Stockwell and seconded by Mr. Bartram to deny the appeal **MOTION CARRIED.**

Document M-08-10 Scott Tweedale. Mr. Tweedale appeared before the Board to appeal the denial by staff for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial after which Mr. Tweedale addressed the Board to explain his work experience and answer questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Maher to deny the appeal **MOTION CARRIED.**

Document M-08-12 Craig Swanson Jr. Mr. Swanson appeared before the Board to appeal the denial by staff for Mechanical Contractor Licensing Examination. Mr. Barry explained the basis of the denial. Mr. Swanson addressed the Board regarding his work experience and answered questions from various Board Members. A **MOTION** was made by Mr. Bartram and seconded by Mr. Parker to deny the appeal **MOTION CARRIED.**

7. REQUEST TO APPEAR BEFORE THE BOARD

Document M-08-11 Robert Walker postponed until the July 16, 2008 meeting at Mr. Walker's request.

8. APPEAL HEARINGS

Appeal Document CCC-MECH 08-004 -- The Melting Pot Restaurants, Inc , Petitioner
vs.
City of Ann Arbor, Respondent.

The Board heard the appeal and response and their decision was the installation of the table top fondue equipment without a hood is in violation of the 2003 MMC; Section 507.2.2 as there is not an exception that is applicable. The City of Ann Arbor made no error in the interpretation and application of the Michigan Mechanical Code and a compelling argument of practical difficulty or alternative compliance were not made. Therefore, it is ordered that the request for relief from the requirements of 507.2.2 be denied.

Appeal Document CCC-MECH 08-005 Shull & Shull, Inc., Petitioner vs Charter Township of Bangor, Respondent.

The Board heard the appeal and response and their decision was the installation of the Model P44S Bakers Pride counter top without a hood is in violation of MMC, Section 507.2.2 as there is not an exception that is applicable. The Charter Township of Bangor made no error in the interpretation and application of the Michigan Mechanical Code and a compelling argument of practical difficulty or alternative compliance were not made. Therefore, it is ordered that the request for relief from the requirements of Section 507.2.2 and Section 105.2 of the Michigan Mechanical Code be denied. This order is binding on all parties

9 OLD BUSINESS

Document M-07-30 Reginald T. McKinney (tabled 11/14/07, 01/23/08, 03/19/08).
Document to remain tabled pending further investigation

10. NEW BUSINESS

None.

11. LEGISLATIVE REPORT

Mr. Barry reported that the committee is still in the process of work on the Forbes Act.

12. PUBLIC COMMENT

None.

Board of Mechanical Rules

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May 14, 2008

13. ADJOURNMENT

A **MOTION** was made by Mr. Wash and seconded by Mr. Hale to adjourn the meeting.
MOTION CARRIED.

Next Board of Mechanical Rules Meeting July 16, 2008

APPROVED

DATE

Mr. Robert Jagenberg, Chairperson

DRAFT

MECHANICAL INSPECTORS

07/16/08 bmr

09/10/08 ccc

DOLBEE, Jonathan E.
Contractor's License #7115832 (4/2007)
Classification 2
8,000+ hours HVAC
Additional Inspector
Athens Township – Calhoun County

MARTIN, III, George W.
Contractor's License #7112980 (10/1999)
Classifications 1, 2, 3, & 5
8,000+ hours HVAC
Additional Inspector
City of Riverview – Wayne County

WIGHT, Richard O.
8,000+ hours HVAC
Replacing Doug Elias (Registration #004382)
Deerfield Township – Isabella County

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Docket No. 2008-422

Bureau of Construction Codes,
Petitioner

Agency No. 08-0040-M

v

Stuart G. Nunnolley,
Respondent

Agency: Bureau of Construction
Codes

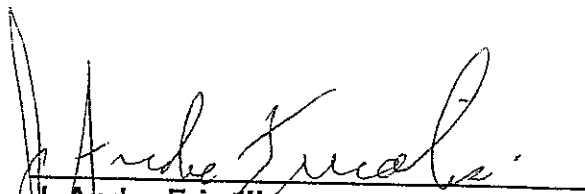
Case Type: Sanction
Revocation

Issued and entered
this 13th day of June, 2008
by J. Andre Friedlis
Administrative Law Judge

ORDER FOR DISMISSAL

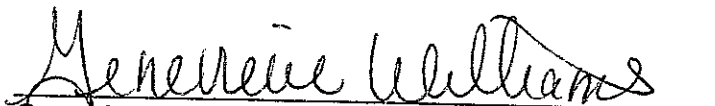
On June 6, 2008, the Bureau of Construction Codes, Petitioner, requested that the hearing in the above captioned matter be dismissed. The Settlement Agreement is attached.

NOW THEREFORE, IT IS ORDERED that the hearing in the above captioned matter is dismissed without prejudice. Accordingly, we have removed this case from our formal hearing docket and are closing our file in this matter.


J. Andre Friedlis
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 13th day of June, 2008.


Genevieve Williams
State Office of Administrative Hearings and Rules

Gerrit Bakker
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Richard P Gartner
Department of Attorney General
Labor Division
7th Floor Williams Bldg.
P.O. Box 30736
Lansing, MI 48909

Robert Meyer
Building Official
Leelanau County Building Inspections
8527 E. Government Center Dr. #109
Suttons Bay, MI 49682

Stewart G. Nunnolley
5469 East Lincoln Road
Cedar, MI 49621

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Stewart G. Nunnelley
5469 E. Lincoln Rd.
Cedar, Michigan 49621

BCC Complaint No. 08-0040-M

Mechanical Contractor License No. 71-10600

(Respondent)

Entered into
this 13th day of June, 2008
by the Board of Mechanical Rules

SETTLEMENT AGREEMENT

The Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), having described its concerns for the public's safety and welfare in its Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Forbes Mechanical Contractors Act, issued March 6, 2008 (hereafter the Statement of Intent), a copy of which is attached hereto and incorporated herein as an integral part of this Settlement Agreement, hereby agrees to resolve those concerns as follows:

WHEREAS, Respondent did not attend an informal compliance conference on April 3, 2008, did not file a written response to the Statement of Intent, and did not make a sufficient showing of compliance to the Bureau in connection with the violations alleged in the Statement

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

of Intent; and

WHEREAS, Respondent did attend a formal hearing in this matter that commenced at 9:00 AM on Monday, May 12, 2008, in Lansing, Michigan, which was adjourned at approximately 9:35 AM in order to allow for settlement discussions prior to the completion of the formal hearing; and

WHEREAS, the Bureau's Mechanical Division and Respondent are desirous of settling this matter as hereafter set forth and agree to the entry of this Settlement Agreement; and

WHEREAS, Respondent admits that the factual allegations contained in the Statement of Intent are true and correct; and

WHEREAS, Respondent admits that such facts would constitute violations of the acts, rules and codes cited in the Statement of Intent; and

WHEREAS, Respondent waives his right to a continuation of the hearing in this matter; and

WHEREAS, the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public's health and general welfare, and consistent with the purposes and provisions of the acts, rules and codes cited in the Statement of Intent.

IT IS THEREFORE STIPULATED AND AGREED that:

1. Respondent Nunnelley's mechanical contractor license, which is currently in an inactive status, shall be REVOKED.
2. Respondent Nunnelley will not apply for renewal of his mechanical contractor license for a period of seven (7) years and will, at that time, be required to pass all new licensing examinations in order to qualify for a license renewal.

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

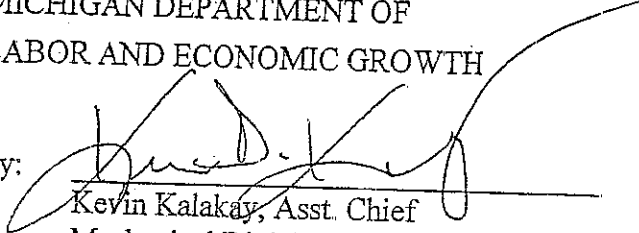
3 Respondent Nunnelley will not pay a CIVIL FINE to the State of Michigan.

IT IS FINALLY AGREED that the settlement agreement will be submitted to the Board of Mechanical Rules for review and approval at their next regularly scheduled meeting following the execution of this agreement by the Respondent and the Bureau, and that it will not become effective until formally approved by the Board of Mechanical Rules.

The parties have entered into this Settlement Agreement on the dates indicated below.


MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:


Kevin Kalakay, Asst. Chief
Mechanical Division
Bureau of Construction Codes


Dated: 5-12-2008
Okemos, Michigan

By:


Stewart G. Nunnelley, Respondent

Dated: 5/12/08
Okemos, Michigan

By:


Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes

Dated: 05/12/08
Okemos, Michigan

ACTION BY THE BOARD OF MECHANICAL RULES

On _____, 2008, the Board of Mechanical Rules met to review this matter and voted to APPROVE / REJECT / AMEND the settlement agreement as written.

By:

Robert Jagenberg, Chair
State of Michigan Board of Mechanical Rules
Bureau of Construction Codes

Dated: _____
Okemos, Michigan

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

Upon Approval of the Board of Mechanical Rules

A Copy of this Settlement Agreement will be sent by First Class Mail to:

Stewart G. Nunnelley
5469 E. Lincoln Rd.
Cedar, Michigan 49621

A Copy of this Settlement Agreement will be sent by First Class Mail to:

Robert Meyer, Building Official
Leelanau County Construction Code Authority
8527 E. Government Center Drive, Suite 109
Suttons Bay, MI 49682-9718

A Copy of this Settlement Agreement will be sent by Interdepartmental Mail to:

Board of Mechanical Rules
c/o Tennison Barry, Mechanical Division
Bureau of Construction Codes
2501 Woodlake Circle
Okemos, Michigan 48864

Timothy Gardner, Jr., Esq.
Dept of Attorney General – Labor Division
P.O. Box 30736
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government and Consumer Services
Bureau of Construction Codes
2501 Woodlake Circle
Okemos, Michigan 48864

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Stewart G Nunnelley
5469 E. Lincoln Rd.
Cedar, Michigan 49621

BCC Complaint No. 08-0040-M

Mechanical Contractor License No 71-10600

(Respondent)

_____ /

Entered into
this ____ day of _____, 2008
by the Board of Mechanical Rules

SETTLEMENT AGREEMENT

The Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), having described its concerns for the public's safety and welfare in its Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Forbes Mechanical Contractors Act, issued March 6, 2008 (hereafter the Statement of Intent), a copy of which is attached hereto and incorporated herein as an integral part of this Settlement Agreement, hereby agrees to resolve those concerns as follows:

WHEREAS, Respondent did not attend an informal compliance conference on April 3, 2008, did not file a written response to the Statement of Intent, and did not make a sufficient showing of compliance to the Bureau in connection with the violations alleged in the Statement

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

of Intent; and

WHEREAS, Respondent did attend a formal hearing in this matter that commenced at 9:00 AM on Monday, May 12, 2008, in Lansing, Michigan, which was adjourned at approximately 9:35 AM in order to allow for settlement discussions prior to the completion of the formal hearing; and

WHEREAS, the Bureau's Mechanical Division and Respondent are desirous of settling this matter as hereafter set forth and agree to the entry of this Settlement Agreement; and

WHEREAS, Respondent admits that the factual allegations contained in the Statement of Intent are true and correct; and

WHEREAS, Respondent admits that such facts would constitute violations of the acts, rules and codes cited in the Statement of Intent; and

WHEREAS, Respondent waives his right to a continuation of the hearing in this matter; and

WHEREAS, the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public's health and general welfare, and consistent with the purposes and provisions of the acts, rules and codes cited in the Statement of Intent.

IT IS THEREFORE STIPULATED AND AGREED that:

1. Respondent Nunnelley's mechanical contractor license, which is currently in an inactive status, shall be REVOKED.
2. Respondent Nunnelley will not apply for renewal of his mechanical contractor license for a period of seven (7) years and will, at that time, be required to pass all new licensing examinations in order to qualify for a license renewal.

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

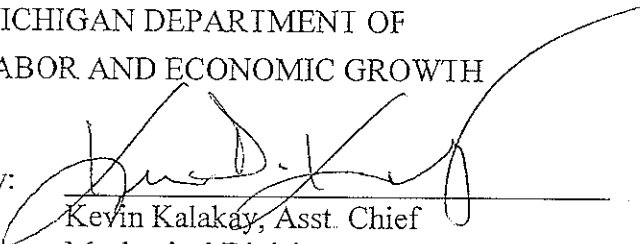
3 Respondent Nunnelley will not pay a CIVIL FINE to the State of Michigan.

IT IS FINALLY AGREED that the settlement agreement will be submitted to the Board of Mechanical Rules for review and approval at their next regularly scheduled meeting following the execution of this agreement by the Respondent and the Bureau, and that it will not become effective until formally approved by the Board of Mechanical Rules

The parties have entered into this Settlement Agreement on the dates indicated below.


MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:


Kevin Kalakay, Asst. Chief
Mechanical Division
Bureau of Construction Codes

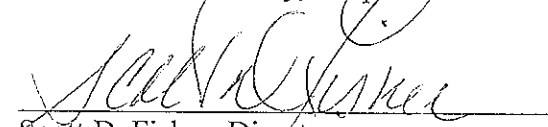
Dated: 5-12-2008
Okemos, Michigan

By:


Stewart G. Nunnelley, Respondent

Dated: 5/12/08
OKemos, Michigan

By:


Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes

Dated: 05/12/08
Okemos, Michigan

ACTION BY THE BOARD OF MECHANICAL RULES

On _____, 2008, the Board of Mechanical Rules met to review this matter and voted to APPROVE / REJECT / AMEND the settlement agreement as written.

By:

Robert Jagenberg, Chair
State of Michigan Board of Mechanical Rules
Bureau of Construction Codes

Dated: _____
Okemos, Michigan

STEWART G. NUNNELLEY
SETTLEMENT AGREEMENT

Upon Approval of the Board of Mechanical Rules

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Cedar, Michigan 49621

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Dept of Attorney General – Labor Division
P.O. Box 30736
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government and Consumer Services
Bureau of Construction Codes
2501 Woodlake Circle
Okemos, Michigan 48864

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Stewart G Nunnelley, d/b/a
Classic Building Supply, Inc.
5469 E. Lincoln Rd.
Cedar, Michigan 49621

BCC Complaint No. 08-0040-M

Mechanical Contractor License No. 71-10600

(Respondent)

_____ /

Issued and entered
this 4th day of April, 2008

CERTIFICATE OF OPPORTUNITY TO SHOW COMPLIANCE

I, Gerrit Bakker, a Departmental Analyst with the Bureau's Office of Local Government and Consumer Services, do hereby certify that Respondent was given an opportunity to show why proceedings against his license should not be commenced in connection with the attached Statement of Intent to Commence Proceedings in this matter, issued March 6, 2008. I further certify that:

1. The Statement of Intent was sent to Respondent by both First Class and Certified Mail on March 7, 2008. The First Class mailing was not returned by the postal service and the Certified Mail mailing was received by Respondent on or about March 26, 2008.
2. Respondent did not attend the informal conference held on April 3, 2008, and also did not submit a written response to the Statement of Intent.
3. Respondent has not demonstrated to this agency satisfactory compliance with the applicable laws and rules referenced in the Statement of Intent.


Gerrit Bakker

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the Statement Of Intent To Commence Proceedings And Notice Of Opportunity To Show Why Such Proceedings Should Not Be Commenced Pursuant To The Forbes Mechanical Contractors Act was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by mailing same to them via first class mail, and certified mail return receipt requested, at their respective addresses as disclosed by the file on the 7th day of March, 2008

Karolyn G. Dare
Karolyn Dare
Bureau of Construction Codes

Stewart G. Nunnelley, d/b/a
Classic Building Supply, Inc
5469 E. Lincoln Rd.
Cedar, Michigan 49621

Stewart G. Nunnelley, d/b/a
Classic Building Supply, Inc.
13090 West Bay Shore Drive
Traverse City, Michigan 49684

Robert Meyer, Building Official

SENDER - COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece.		A. Signature <i>Stewart G. Nunnelley</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
		B. Received by (Printed Name) <i>Stewart G. Nunnelley</i>	C. Date of Delivery <i>3-2-08</i>
		Address different from item 1? <input type="checkbox"/> Yes delivery address below: <input type="checkbox"/> No	
		3. Service type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

STEWART G NUNNELLEY
d/b/a CLASSIC BUILDING SUPPLY, INC
5469 E LINCOLN ROAD
CEDAR MICHIGAN 49621

2 Article Number
(Transfer from s) 7001 2510 0000 0410 3523

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Lansing, Michigan 48909

Richard P. Gartner
Dept of Attorney General - Labor Division
P.O. Box 30736
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Stewart G. Nunnelley, d/b/a
Classic Building Supply, Inc.
5469 E. Lincoln Rd.
Cedar, Michigan 49621

BCC Complaint No. 08-0040-M

Mechanical Contractor License No. 71-10600

(Respondent)

_____ /

Issued and entered
this 6th day of March, 2008
by Scott D. Fisher, Director
Office of Local Government and Consumer Services

**STATEMENT OF INTENT TO COMMENCE PROCEEDINGS;
NOTICE OF OPPORTUNITY TO SHOW WHY SUCH PROCEEDINGS SHOULD NOT
BE COMMENCED PURSUANT TO THE FORBES MECHANICAL CONTRACTORS ACT;
AND NOTICE OF INFORMAL COMPLIANCE CONFERENCE
SCHEDULED FOR TUESDAY, APRIL 3, 2008, AT 10:30 A.M.**

TAKE NOTICE that the Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes & Fire Safety (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306; MCL 24.201 et seq, the Forbes Mechanical Contractors Act, 1984 PA 192; MCL 338.971 et seq (hereafter the Mechanical Contractors Act), the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230; MCL 125.1501 et seq (hereafter the State Construction Code Act), and the rules promulgated under the State Construction Code Act, the 2000 Michigan Mechanical Code (hereafter the Mechanical Code), intends to begin proceedings relating to possible violations of the Mechanical Contractors Act and the Mechanical Code, which proceedings might result in the

STEWART G. NUNNELLEY
STATEMENT OF INTENT

imposition of the penalties and remedies provided in the Mechanical Contractors Act unless a satisfactory response to this Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Forbes Mechanical Contractors Act, (hereafter the Statement of Intent) is received.

THE REASONS for this Statement of Intent are:

FACTS COMMON TO ALL COUNTS

1. Stewart G. Nunnelley (hereafter Respondent Nunnelley), whose addresses are 5469 East Lincoln Road, Cedar, Michigan 49621 and 13090 West Bay Shore Drive, Traverse City, Michigan 49684, was, at all times relevant to this action, a full-time employee of a Michigan corporation by the name of Classic Building Supply, Inc (hereafter "CBS"), effectively employed as the "contractor of record" for CBS, engaged in the business of installing, altering or servicing heating and air conditioning systems, licensed with the Bureau as a mechanical contractor and held Mechanical Contractors License No. 71-10600 with authorization to perform mechanical work limited to the mechanical license classifications of 3, 5 and 10(f), also known as "Ductwork," "Limited Heating Service" and "Gas Piping and Venting," respectively, which expired on August 30, 2007.

2. The County of Leelanau, whose address is c/o Robert Meyer, Building Official, Leelanau County Construction Code Authority, 210 Chandler, P. O. Box 989, Leland, Michigan 49654-0989, was, at all times relevant to this action, a governmental subdivision of the State of Michigan, responsible for the administration and enforcement of the State Construction Code Act and the Mechanical Code within its jurisdiction, and had designated their own county department of building safety, also known as the Leelanau County Construction Code Authority,

STEWART G. NUNNELLEY
STATEMENT OF INTENT

(hereafter the enforcing agency) as the specific enforcing agency responsible for administering and enforcing the State Construction Code Act and the Mechanical Code, including, but not limited to, the issuance of mechanical permits and the conduct of mechanical inspections for the purpose of safeguarding life or limb, health and public safety within their jurisdiction.

3. The Bayberry Group, Inc., a Michigan corporation doing business as "the Homestead," operates a resort hotel in Leelanau County's Glen Arbor Township located at 5030 Woodridge Road, an area of Leelanau County jurisdiction for the mechanical code.

4. Guest rooms at the Homestead resort hotel are used primarily for sleeping.

5. On or about February 8, 2003, the Homestead requested a proposal from Classic Building Supply to replace the existing wood-burning fireplaces in hotel guest rooms with gas-burning fireplace units. This request for proposal specified that these gas-burning fireplaces were "... for commercial use in a sleeping area."

6. On or about March 11, 2003, Respondent's employer submitted a proposal to install 17 new gas-burning fireplace units in guest sleeping rooms at the Homestead for \$17,946. This proposal was accepted by the Homestead.

7. On or about April 16, 2003, Respondent submitted applications for mechanical permits to install 15 gas-burning fireplace units in guest sleeping rooms of the Homestead.

8. Based on these applications, the following mechanical permits were issued:

<u>Permit #</u>	<u>Building #</u>	<u>Room #s</u>	<u>Permit Fee</u>
M03-0227	A	1 & 2	\$102.00
M03-0228	D	22, 25-26	\$130.00
M03-0229	E	27	\$ 74.00
M03-0230	F	32, 37-38	\$130.00
M03-0231	G	32, 40, 43	\$130.00
M03-0232	H	48 & 49	\$102.00
M03-0233	I	50	\$ 74.00

STEWART G NUNNELLEY
STATEMENT OF INTENT

9. During March and April of 2003, Respondent Nunnelley installed at least 15 gas-burning DESA Model P324 B-vent decorative gas fireplaces with B-vent fireplace doors in 15 of the Homestead's guest rooms.

COUNT 1

UNLICENSED MECHANICAL WORK

10. Respondent Nunnelley installed gas-burning fireplace units without first obtaining the prerequisite mechanical contractor license classification 2 - "HVAC Equipment" or the combination of classifications 10(b) and 10(f) - "Solid Fuel" and "Gas Piping and Venting," which are the only license classifications that authorize the installation of such appliances

11. Performing installations, alterations, or servicing of work classifications under Section 6(3) of the Mechanical Contractors Act unless the individual has received a contractor's license from the department and the license is either classified and limited as provided in section 6 or is annotated as provided in section 8 is a violation of Section 7(1) of the Mechanical Contractors Act, MCL 338.977(1), and constitutes grounds under Section 11(1)(f) of the Mechanical Contractors Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

COUNT II

INSTALLING APPLIANCES IN PROHIBITED LOCATIONS

12. Each of the guest rooms in which Respondent Nunnelley installed these fuel-fired B-vent appliances at the Homestead resort hotel are used as individual "sleeping rooms," each with their own private adjoining "bathroom."

13. Section 303.3 of the Mechanical Code, entitled "Prohibited locations," states:

STEWART G. NUNNELLEY
STATEMENT OF INTENT

Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. *Sleeping rooms.*

2. *Bathrooms.*

3. *Toilet rooms.*

4. *Storage closets.*

5. *Surgical rooms.*

Exception. This section shall not apply to the following appliances:

1. *Direct-vent appliances that obtain ALL combustion air directly from the outdoors "*

14. Installing fuel-fired B-vent appliances in sleeping rooms or bathrooms is a violation of Section 303.3 of the Mechanical Code and constitutes grounds under Sections 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions

COUNT III

GROSS NEGLIGENCE

15. Paragraphs 12 and 13 are incorporated herein by reference and realleged as if fully set forth.

16. The intent and rationale behind the prohibited locations for fuel-fire appliances listed in Section 303.3 of the Mechanical Code is more fully explained in a companion publication to the Mechanical Code, entitled "2000 International Mechanical Code Commentary," applicable excerpts of which read as follows:

"The intent of this section is to prevent fuel-fired appliances from being installed in rooms and spaces where the combustion process could pose a threat to the occupants. Potential threats include depleted oxygen levels, elevated levels

STEWART G. NUNNELLEY
STATEMENT OF INTENT

of carbon dioxide, nitrous oxides and carbon monoxide and other combustion gases; ignition of combustibles and elevated levels of flammable gases

In small rooms such as bedrooms and bathrooms, the doors are typically closed when the room is occupied, which could allow combustion gases to build up to life-threatening levels. In bedrooms, occupants would not be alert or aware of impending danger.

If an appliance obtains combustion air from a room or space, it communicates with the atmosphere in that room or space whether or not it is considered to be installed in that room or space. An appliance can be in a room, closet or alcove and obtain combustion air from an adjacent room, which is why Section 303.3 is worded to address both the actual location of an appliance and its source of combustion air. In other words, an appliance in a closet accessed from a bedroom is no different from an appliance located with the bedroom.

Exception 1 recognizes that direct-vent appliances have sealed combustion chambers and obtain all combustion air directly from the outdoors

17. Respondent Nunnelley has exhibited conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results from the unsafe conditions he created in connection with his installations, alterations, or servicing of gas fireplaces installed at the Homestead resort hotel; to wit: Respondent installed at least 15 B-vent (instead of the required direct-vent) gas fireplace appliances in guest sleeping rooms thereby potentially exposing sleeping room occupants to the following life-threatening dangers:

- a. Depleted oxygen levels;
- b. Elevated levels of carbon dioxide, nitrous oxides and carbon monoxide and other combustion gases; and
- c. Ignition of combustibles and elevated levels of flammable gases.

18 Failure to comply with specific restrictions outlined in Section 303.3 of the Mechanical Code against the installation of fuel-fired appliances in sleeping rooms by installing B-vent gas fireplaces and potentially exposing sleeping room occupants of the Homestead resort

STEWART G. NUNNELLEY
STATEMENT OF INTENT

hotel to the life-threatening dangers of depleted oxygen levels; elevated levels of carbon dioxide, nitrous oxides and carbon monoxide and other combustion gases; and ignition of combustibles and elevated levels of flammable gases is an act of gross negligence and constitutes grounds under Section 11(1)(c) of the Mechanical Contractors Act, MCL 338.981(1)(c), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

THE CONDUCT alleged in Counts I through III may constitute grounds either for the imposition of penalties and remedies provided in the State Construction Code Act, and in the Mechanical Contractors Act, including imposition of a civil fine pursuant to the State Construction Code Act and suspension, denial, or revocation of your mechanical contractors license, and restitution pursuant to the Mechanical Contractors Act.

BE ADVISED that the Bureau must provide you with an opportunity to show compliance with all lawful requirements before commencing formal proceedings that might lead to penalties provided in the State Construction Code Act and in the Mechanical Contractors Act. This is your Notice of the right to that opportunity.

BE ADVISED that you may show compliance in writing. Alternatively, you may appear at an informal conference with the Bureau's representative scheduled for **Thursday, April 3, 2008, at 10:30 a.m.**, at the Bureau's offices (Conference Room #2) at 2501 Woodlake Circle, Okemos, Michigan 48864.

BE ADVISED that it is important you understand that any statements which you present either in a written response or at any informal conference may be used against you at a formal hearing if one is held. It is also important that you understand you have the right, at your own

STEWART G. NUNNELLEY
STATEMENT OF INTENT

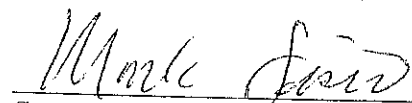
expense, to have an attorney assist you in preparing a written response or assist you at an informal conference.

BE FURTHER ADVISED that if the Bureau's representatives decide you have not made a sufficient showing of compliance or if you do not respond to this Statement of Intent, the Bureau's representatives will institute formal administrative proceedings regarding the charges set forth in this Statement of Intent.

ANY COMMUNICATION regarding this Statement of Intent should be addressed to the Bureau of Construction Codes, Office of Local Government and Consumer Services, Attention: Gerrit Bakker, Department Analyst, P O. Box 30254, Lansing, Michigan 48909

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:



Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Dated: 3-6-08
Lansing, Michigan

STEWART G. NUNNELLEY
STATEMENT OF INTENT

A Copy of this Statement of Intent was sent by Certified and First Class Mail to:

Stewart G. Nunnelley, d/b/a
Classic Building Supply, Inc.
5469 E. Lincoln Rd.
Cedar, Michigan 49621

Stewart G. Nunnelley, d/b/a
Classic Building Supply, Inc.
13090 West Bay Shore Drive
Traverse City, Michigan 49684

A Copy of this Statement of Intent was sent by First Class Mail to:

Robert Meyer, Building Official
Leelanau County Construction Code Authority
8527 E. Government Center Drive, Suite 109
Suttons Bay, MI 49682-9718

A Copy of this Statement of Intent was sent by Interdepartmental Mail to:

Tennison Barry, Chief
Mechanical Division
Bureau of Construction Codes
2501 Woodlake Circle
Okemos, Michigan 48864

Mark Sisco, Deputy Director
Administration
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Scott Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P O. Box 30254
Lansing, Michigan 48909

Richard P. Gartner
Dept of Attorney General – Labor Division
P O. Box 30736
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Daniel E. "Dan" Hogan, d/b/a
Hogan Plumbing & Heating
1190 Red Apple Road
Manistee, Michigan 49660

BCC Complaint No 05-0445-M

Mechanical Contractor License No. 71-06067

(Respondent)

Entered into
this 16 day of April 2008
by the Bureau of Construction Codes and the Respondents

SETTLEMENT AGREEMENT

The Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), having described its concerns for the public's safety and welfare in its Second Amended Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Forbes Mechanical Contractors Act, issued November 19, 2007, (hereafter the Second Amended Statement of Intent), a copy of which is attached hereto and incorporated herein as an integral part of this Settlement Agreement, hereby agrees to resolve those concerns as follows:

WHEREAS, Attorney Timothy F. Sheridan, representing Respondents Daniel E. Hogan, (not in attendance) spoke on behalf of the Respondent at an informal compliance conference on March 18, 2008. Attorney Sheridan explained the facts and circumstances surrounding his

DANIEL HOGAN
SETTLEMENT AGREEMENT

client's actions in this matter but did not make a sufficient showing of compliance to the Bureau in connection with the violations alleged in the Second Amended Statement of Intent; and

WHEREAS, the Respondent admits that some of the factual allegations contained in the Second Amended Statement of Intent are true and correct; and

WHEREAS, the Respondent admits that such facts would constitute violations of the acts, rules and codes cited in the Second Amended Statement of Intent; and

WHEREAS, the Bureau's Mechanical Division and the Respondent are desirous of settling this matter as hereafter set forth and agree to the entry of this Settlement Agreement; and

WHEREAS, a Manistee County Circuit Court order dated February 25, 2008 by Honorable Judge James Batzer dismissed with prejudice-- as a result of payment of \$45,000 by Defendants Dan Hogan and Hogan Plumbing --the actions brought by Plaintiff, John and Carolyn Chekaway.

WHEREAS, pursuant to Judge Batzer's Scheduling Order, a case evaluation took place on December 18, 2007 by a three attorney panel selected by the Manistee County Alternative Dispute Resolution Clerk. All parties to the action were represented by legal counsel who appeared and presented argument as to the liability and damages pertaining to the Chekaway residence. The case evaluation hearing resulted in a unanimous case evaluation award of \$45,000 on behalf of the Chekaways against Dan Hogan and Hogan Plumbing. The Chekaways and Dan Hogan and Hogan Plumbing accepted the \$45,000 case evaluation award and pursuant to the Michigan Court Rules, a dismissal order with prejudice was entered by Judge Batzer.

DANIEL HOGAN
SETTLEMENT AGREEMENT

dismissing any and all claims by the Chekaways against Hogan Plumbing, as alluded to previously, on February 25, 2008.

WHEREAS, the Respondent waives his individual right to a hearing in this matter; and

WHEREAS, the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public's health and general welfare, and consistent with the purposes and provisions of the acts, rules and codes cited in the Second Amended Statement of Intent.

IT IS THEREFORE STIPULATED AND AGREED that:

1. Respondent Daniel E. "Dan" Hogan's mechanical contractor license shall be PERMANENTLY REVOKED. Respondent further agrees that he will not make application in the future to become licensed as a Mechanical Contractor or practitioner in the mechanical field in the State of Michigan
2. Respondent Daniel E. "Dan Hogan shall pay a CIVIL PENALTY to the State of Michigan, in the amount of \$2,000
3. Respondent and/or Hogan Plumbing shall pay \$500 of the above stipulated civil penalty within 30 days from the date of this agreement. The remainder of the civil penalty, or \$1500, shall be paid within one year from the date of this agreement with \$750 being paid within 6 months from the date of this agreement and with the remaining \$750 being paid within 12 months from the date of this agreement.

IT IS FINALLY STIPULATED AND AGREED this agreement with Dan Hogan and the separate agreement entered into with Hogan Plumbing (i.e. Chris Hogan and John Patrick Hogan) are tie-barred and that failure to satisfy and continue to adhere to the conditions set forth

DANIEL HOGAN
SETTLEMENT AGREEMENT

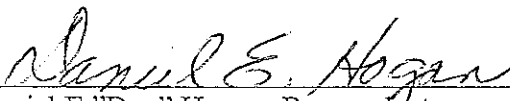
above will result in further licensing and/or legal action being initiated against Dan Hogan and Hogan Plumbing (i.e. Chris Hogan and John Patrick Hogan)

The parties have entered into this Settlement Agreement on the dates indicated below. It is further understood that this Settlement Agreement is a public document and is available to members of the public upon request.

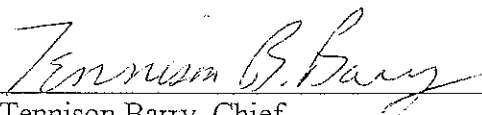
DANIEL HOGAN
SETTLEMENT AGREEMENT

ANY COMMUNICATION regarding this Settlement Agreement should be addressed to
the Bureau of Construction Codes, Office of Local Government and Consumer Services,
Attention: Scott Fisher, Director, P.O. Box 30254, Lansing, Michigan 48909

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

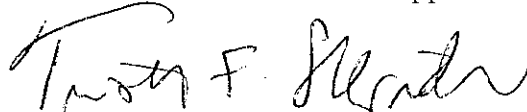
By: 
Daniel E. "Dan" Hogan, Respondent

Dated: 5-6-08

By: 
Tennison Barry, Chief
Mechanical Division

Dated: 4-16-08
Okemos, Michigan

Bureau of Construction Codes Approved as to form and content:

By: 
Timothy F. Sheridan, Esq
Plunkett & Cooney PC
Attorney for Daniel Hogan
Bridgewater Place
333 Bridge Street, Suite 530
Grand Rapids, Michigan 49504

Dated: 4/22/08

By: 
Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Dated: 4-16-08
Okemos, Michigan

DANIEL HOGAN
SETTLEMENT AGREEMENT

A Copy of this Settlement Agreement was sent by First Class Mail to:

Daniel E. "Dan" Hogan, d/b/a
Hogan Plumbing & Heating
1190 Red Apple Road
Manistee, Michigan 49660

Christopher J. "Chris" Hogan, d/b/a
Hogan Plumbing & Heating
114 Washington Street
Manistee, Michigan 49660

John Patrick "Pat" Hogan, d/b/a
Hogan Plumbing & Heating
114 Washington Street
Manistee, Michigan 49660

Timothy F. Sheridan
Plunkett & Cooney, PC
Attorney for Daniel E. Hogan
333 Bridge Street NW, Suite 530
Grand Rapids, Michigan 49504

John and Carolyn Chekaway
7059 Coates Highway
Manistee, Michigan 49660

A Copy of this Settlement Agreement was sent by Interdepartmental Mail to:

Tennison Barry, Chief
Mechanical Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Daniel E. "Dan" Hogan, d/b/a
Hogan Plumbing & Heating
1190 Red Apple Road
Manistee, Michigan 49660

BCC Complaint No. 05-0445-M

Christopher J. "Chris" Hogan, d/b/a
Hogan Plumbing & Heating
114 Washington Street
Manistee, Michigan 49660

John Patrick "Pat" Hogan, d/b/a
Hogan Plumbing & Heating
114 Washington Street
Manistee, Michigan 49660

Mechanical Contractor License No. 7106067

(Respondents)

Issued and entered
this 19th day of November, 2007
by Scott D. Fisher, Director
Office of Local Government and Consumer Services

**SECOND AMENDED STATEMENT OF INTENT TO COMMENCE PROCEEDINGS;
NOTICE OF OPPORTUNITY TO SHOW WHY SUCH PROCEEDINGS SHOULD NOT
BE COMMENCED PURSUANT TO THE FORBES MECHANICAL CONTRACTORS
ACT; AND NOTICE OF INFORMAL COMPLIANCE CONFERENCE
SCHEDULED FOR THURSDAY, DECEMBER 20, 2007, AT 10:30 AM**

TAKE NOTICE that the Michigan Department of Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306; MCL 24.201 et seq. the Forbes Mechanical Contractors Act, 1984 PA 192; MCL 338.971 et seq. (hereafter the Mechanical

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Contractors Act), the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230; MCL 125.1501 et seq (hereafter the State Construction Code Act), and the rules promulgated under the State Construction Code Act, the 2000 Michigan Residential Code and the 2000 Michigan Mechanical Code, intends to begin proceedings relating to alleged violations of the Mechanical Contractors Act, the State Construction Code Act, the 2000 Michigan Residential Code and the 2000 Michigan Mechanical Code which proceedings might result in the imposition of the penalties and remedies provided in the Mechanical Contractors Act and the State Construction Code Act unless a satisfactory response to this Second Amended Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Forbes Mechanical Contractors Act, (hereafter the Second Amended Statement of Intent) is received.

THE REASONS for this Second Amended Statement of Intent are:

FACTS COMMON TO ALL COUNTS

1 Daniel E. Hogan (hereafter Dan Hogan), whose addresses are 1190 Red Apple Road, Manistee, Michigan 49660 and 144 Washington, Manistee, Michigan 49660, was, at all times relevant to this action, an individual doing business under the assumed name of Hogan Plumbing & Mechanical, engaged in the business of installing, altering or servicing heating, ventilation, and air conditioning (HVAC) systems, licensed with the Bureau as a mechanical contractor and held Mechanical Contractors License No. 7106067 with authorization to perform mechanical work limited to the mechanical license classifications 1, 2, 3, 6 & 8; "Hydronic heating and cooling and process piping," "HVAC Equipment," "Ductwork," "Unlimited Heating

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Service," and "Unlimited Refrigeration & AC Service" respectively, which expired on August 31, 2007.

2. Christopher J. "Chris" Hogan (hereafter Chris Hogan), whose address is 144 Washington, Manistee, Michigan 49660, is the son of Respondent Dan Hogan and, was at all times relevant to this action, licensed as a master plumber, and held Master Plumber License No. 8110007.

3. John Patrick "Pat" Hogan (hereafter Pat Hogan), whose address is 144 Washington, Manistee, Michigan 49660, is the nephew of Dan Hogan and the son of Dan Hogan's brother and business partner, John Hogan and was, at all times relevant to this action, licensed as a master plumber, held Master Plumber License No. 8110008 and has also served as the master plumber of record for Hogan Plumbing, Inc.

4. Christopher Sorenson (hereafter the Builder), also known as Chris Sorenson, whose address is 11311 North LaSalle Road, Manistee, Michigan 49660, was, at all times relevant to this action, an individual doing business under the assumed name of Sorenson Construction, engaged in the business of constructing residential structures for compensation, held Residential Builders License No. 2101101892, currently scheduled to expire on May 31, 2009, the builder and general contractor hired by property owners John and Carolyn Chekaway to construct a new residence, and was not licensed as a mechanical contractor.

5. The State of Michigan was, at all times relevant to this action, responsible for the administration and enforcement of the State Construction Code Act, the Mechanical Contractors Act, the 2000 Michigan Residential Code and the Mechanical Code. The Bureau of Construction

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Codes is the enforcing agency responsible for administering and enforcing the State Construction Code Act, the mechanical provisions of the 2000 Michigan Residential Code and the 2000 Michigan Mechanical Code within Brown Township, Manistee County, including, but not limited to, the issuance of mechanical permits and the conduct of mechanical inspections for the purpose of safeguarding the public safety, health and general welfare within this jurisdiction.

6 Ron Laing (hereafter Mechanical Inspector Laing), whose addresses were Mechanical Division, 2501 Woodlake Circle, Okemos, Michigan 48864 and P.O. Box 30254, Lansing, Michigan 48909, was, at all times relevant to this matter, engaged in the business of performing mechanical inspections, employed as an agent for the State of Michigan's enforcing agency, and registered with the Bureau under Mechanical Inspector Registration No. P003512 for the 2002-2006 inspector registration cycle.

7. Matt Schneider (hereafter Mechanical Inspector Schneider), whose addresses are Mechanical Division, 2501 Woodlake Circle, Okemos, Michigan 48864 and P.O. Box 30254, Lansing, Michigan 48909, was, at all times relevant to this matter, engaged in the business of performing mechanical inspections, employed as an agent for the State of Michigan's enforcing agency, and registered with the Bureau under Mechanical Inspector Registration No. P003420 for the 2002-2006 inspector registration cycle.

8 Kevin Kalakay (hereafter Senior Mechanical Inspector Kalakay), whose addresses are Mechanical Division, 2501 Woodlake Circle, Okemos, Michigan 48864 and P.O. Box 30254, Lansing, Michigan 48909, was, at all times relevant to this matter, engaged in the business of performing mechanical inspections, employed as an agent for the State of Michigan's enforcing

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

agency, and registered with the Bureau under Mechanical Inspector Registration No. P004179 for the 2002-2006 inspector registration cycle.

9 From approximately 1964 until approximately 1996, Dan Hogan, together with his brother and business partner John Leo "John" Hogan, operated Hogan Plumbing and Heating and were engaged in the business of installing, altering or servicing both plumbing systems and mechanical systems (commonly known as heating, ventilation and air conditioning or "HVAC" systems). The business began as Hogan Plumbing & Heating Incorporated, until 1984 when the corporate entity was dissolved, and then continued on as a business partnership under the assumed name of Hogan Plumbing & Heating. Their plumbing and heating business was initially located at 429 River Street in the City of Manistee, Michigan but was later relocated to a building that they still own at 114 Washington Street in Manistee.

10 In approximately 1996, when Dan Hogan decided to retire, Chris Hogan and Pat Hogan, the sons of Dan Hogan and John Hogan, respectively, formed a business partnership of their own and assumed control over the existing plumbing and heating business operations from their fathers' and continued to operate the business under the name of Hogan Plumbing & Heating. Dan Hogan and his brother continued to rent out the building at 114 Washington Street in Manistee to their sons and Dan Hogan continued to provide occasional help to the business, on an as needed basis, without salary or pay, other than his share of the building rent payments.

11 On or about June 17, 2003, the business partnership of Chris Hogan and Pat Hogan also formed Hogan Plumbing, Inc., in order to comply with the 2002 revisions to the State of Michigan's plumbing licensing law that created a new requirement that only a licensed

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

plumbing contractor could apply for and obtain plumbing permits. This new licensing requirement replaced the previous system whereby licensed master plumbers could individually obtain plumbing permits. Pat Hogan became the registered agent and the master plumber of record for Hogan Plumbing, Inc., the new licensed plumbing contractor that was assigned Plumbing Contractor License No. 8002610. This arrangement of forming a corporation to hold the new plumbing contractor license was utilized by other plumbers and plumbing businesses at the time this law was changed. However, on July 15, 2007, the corporate entity of Hogan Plumbing, Inc., was automatically dissolved for having failed to file annual reports or pay annual fees since approximately 2004.

COUNT I

IMPROPERLY OBTAINING MECHANICAL CONTRACTOR
LICENSE RENEWALS

12. When the newly formed business partnership of Chris Hogan and Pat Hogan assumed control over the family plumbing and heating business in approximately 1996, they were both already licensed as master plumbers and, under the plumbing law in place at that time, were both properly licensed to apply for and obtain plumbing permits on behalf of the plumbing portion of their business partnership. However, even though Chris Hogan and Pat Hogan may have gained some experience with mechanical systems during their years of working in the family plumbing and heating business, neither of them had ever taken and passed the various required written examinations that would demonstrate to the Bureau the minimum required level of technical proficiency in any of the classifications of a mechanical contractor license and

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

therefore neither of them were even eligible to apply for a license to become the new mechanical contractor of record for Hogan Plumbing & Heating

13 In order to allow the mechanical contracting component of the existing family plumbing and heating business to continue following his retirement, Dan Hogan gave his permission to Chris Hogan and Pat Hogan for them to sign his name on mechanical license renewal and permit applications

14 Beginning approximately in 1997, Chris Hogan and Pat Hogan effectively took over control of Dan Hogan's existing mechanical contractor license by renewing this license during the 1997-2000 and 2001-2004 mechanical contractor licensing year cycles.

15 Obtaining a mechanical contractor license by renewing the license of a retired mechanical contractor of record who is no longer employed by the mechanical contracting business is an act of fraud or deceit in obtaining a mechanical contractor license and constitutes grounds under Section 11(1)(a) of the Mechanical Contractors Act, MCL 338.981(1)(a), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

COUNT II

OMISSION OF MATERIAL INFORMATION ON
PERMIT APPLICATIONS

16 Paragraphs 13 and 14 above are incorporated herein by reference and repeated as if fully set forth.

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

17. From on or about September 9, 1998, to on or about January 3, 2004, Dan Hogan, Chris Hogan and Pat Hogan omitted to disclose material information necessary for the Bureau to make informed decisions regarding whether or not to approve, in Manistee County alone, approximately 18 applications for mechanical permits. Mechanical permits are required agency permits that fall within the definition of the term "license" under Section 5(1) of the Administrative Procedures Act of 1969, MCL 24.205(1); specifically:

- a. Omitted to disclose to the Bureau that Dan Hogan, the mechanical contractor of record for Hogan Plumbing & Heating, had retired in 1996 and no longer supervised the design and installation of heating and air conditioning systems described in the permit applications
- b. Omitted to disclose to the Bureau that Chris Hogan and Pat Hogan were continuing to operate the licensed mechanical contracting business of Hogan Plumbing & Heating without employing a licensed mechanical contractor of record to supervise the design and installation of heating and air conditioning systems described in permit applications.
- c. Omitted to disclose in applications for Mechanical Permit Nos. M260374, M276188, M284970 and M285933 that the Builder, not the Respondents, would design and install the mechanical systems authorized by this mechanical permit.

18. Omitting to disclose material information to the Bureau in connection with an application for a required agency permit is an act of fraud or deceit in obtaining a required

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

agency permit and constitutes grounds under Section 11(1)(a) of the Mechanical Contractors Act, MCL 338.981(1)(a), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

COUNT III

OMISSION OF MATERIAL INFORMATION DURING
MECHANICAL INSPECTIONS

19 On or about November 19, 2002, Respondents applied for a mechanical permit from the Bureau to install water heaters used for the in-floor heating system and air conditioning equipment at the residence of John and Carolyn Chekaway at 7059 Coates Highway, Manistee, Michigan 49660 (hereafter the Chekaway residence), within Brown Township, an area of State of Michigan jurisdiction for mechanical work.

20 On or about November 22, 2002, the Bureau issued mechanical permit number M284970 to Respondents for work at the Chekaway residence, based upon the information submitted on the permit application, thereby making Respondent Hogan the mechanical permit holder for the Chekaway residence.

21 During 2002 and 2003, the Builder contracted for, designed and installed a hot water heating system with in-floor hydronic piping and the air conditioning system with ductwork, non-exempt mechanical work, at the Chekaway residence, without being licensed as a mechanical contractor or employed by a mechanical contractor.

22 On March 24 and April 24, 2003, the Bureau's area mechanical inspectors Laing and Schneider, respectively, approved the following rough inspections:

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

a. On March 24, 2003, Inspector Laing approved the rough-in installation of air conditioning systems and the exhaust fans, but did not approve nor was he asked to inspect the in-floor heating system.

b. On April 24, 2003, Inspector Schneider approved the rough-in installation of the direct-vent gas fireplace, but did not approve nor was he asked to inspect the in-floor heating system.

23. On August 19, 2003, the Bureau's area mechanical inspector Schneider approved the final inspection of the hot water heating system, the air conditioning system and the gas fireplace.

24. Respondents omitted to disclose material information to Bureau inspectors Laing and Schneider prior to their on-site inspection approvals of the Bureau's Mechanical Permit No M284970 (the Chekaway residence) on March 24, April 24 and August 19, 2003, agency approvals that fall within the definition of the term "license" under Section 5(1) of the Administrative Procedures Act of 1969, MCL 24.205(1); specifically:

a. That the Builder, not the Respondents, had designed and installed the mechanical systems being inspected; and

b. That Respondents were assisting the Builder in circumventing the requirements of the Mechanical Contractors Act.

25. Failure to disclose material information to agency inspectors during a required permit inspection in order to gain approval from the permitting agency to continue work is an act of fraud or deceit in obtaining a license and constitutes grounds under Section 11(1)(a) of the

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Mechanical Contractors Act, MCL 338 981(1)(a), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338 986, to impose sanctions.

COUNT IV

FAILURE TO PROPERLY SIZE EQUIPMENT AND DUCTWORK

26 On or about July 15, 2005, in response to a complaint and additional information received from the homeowners regarding suspected code violations previously not cited, Senior Mechanical Inspector Kalakay performed a complaint-based reinspection of the mechanical work at the Chekaway residence, including the work authorized by the mechanical permit described in paragraph 6 above. Senior Mechanical Inspector Kalakay identified violations of the 2000 Michigan Residential Code and the Mechanical Code and prepared a violation notice.

27 On or about August 30 and September 19, 2005, the Bureau issued a violation notice to Respondents.

28 Respondents, as the mechanical permit holder for the Chekaway residence, did not properly size the heating and cooling equipment and ductwork.

29 Failure to properly size the heating and cooling equipment and ductwork is a violation of Section R1401.3 of the 2000 Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338 981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338 986, to impose sanctions.

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

COUNT V

INSTALLED GAS FIREPLACE AND HYDRONIC
PIPING WITHOUT PERMIT

30. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth.

31 Respondents, as the mechanical permit holder for the Chekaway residence, failed to obtain a mechanical permit prior to installing a gas fireplace or any of the hydronic piping in the residence (either the "under-the-floor" hydronic piping that was threaded throughout the ground level floor joists and attached to the bottom of the plywood sub-floor that is used to heat the main floor of the residence or the "in-floor" hydronic piping that is buried in the concrete of the basement floor and is used to heat the basement areas):

32 Installing any mechanical equipment or components of a mechanical system without first obtaining a permit is a violation of Section 7(1) of the Mechanical Act, MCL 338.977(1), and Section R105.1 of the 2000 Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

COUNT VI

COVERING WORK PRIOR TO INSPECTION

33. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

34. Respondents, as the mechanical permit holder for the Chekaway residence, failed to notify the enforcing agency that the in-floor Hydronic piping for the in-floor heating system was ready for inspection and failed to obtain the approval of the enforcing agency prior to covering and concealing the in-floor Hydronic piping with concrete.

35. Covering and concealing the basement level in-floor Hydronic piping with concrete without first having notified the enforcing agency that such rough-in mechanical work was ready for inspection and without first having obtained the approval of the enforcing agency is a violation of Sections R109.3 and R109.4 of the 2000 Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338 981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338 986, to impose sanctions.

COUNT VII

FAILURE TO COMPLY WITH MANUFACTURER'S
INSTALLATION INSTRUCTIONS

36. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth

37. Respondents, as the mechanical permit holder for the Chekaway residence, failed to install all equipment, piping and venting systems in conformance with the manufacturer's installation instructions

38. Failure to install all equipment, piping and venting systems in conformance with the manufacturer's installation instructions is a violation of Section M1401.1 of the 2000

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions.

COUNT VIII

FAILURE TO PROVIDE ADEQUATE ACCESS TO APPLIANCES

39. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth.

40. Respondents, as the mechanical permit holder for the Chekaway residence, failed to provide adequate access for inspection, service, repair and replacement to the air conditioning fan coil unit, a mechanical appliance

41. Failure to provide adequate access for inspection, service, repair and replacement to the appliances is a violation of Section M1305.1 of the 2000 Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions

COUNT IX

FAILURE TO PROVIDE PASSAGEWAY TO ATTIC

42. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

43. Respondents, as the mechanical permit holder for the Chekaway residence, failed to provide an adequate passageway to provide access to the air conditioning fan coil unit, a mechanical appliance, installed in the attic.

44. Failure to provide an adequate passageway to provide access to the appliances installed in the attic is a violation of Section M1305.13 of the 2000 Michigan Residential Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions.

COUNT X

FAILURE TO PROPERLY INSULATE DUCTWORK

45. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth.

46. Respondents, as the mechanical permit holder for the Chekaway residence, failed to properly insulate the ductwork located in the attic.

47. Failure to properly insulate, in a manner that prevents the formation of condensation on the exterior of any duct, the ductwork located in the attic is a violation of Section M603.11 of the 2000 Michigan Mechanical Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions.

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

COUNT XI

FAILURE TO VENT EQUIPMENT EXHAUST OUTDOORS

48. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth.

49. Respondents, as the mechanical permit holder for the Chekaway residence, failed to vent the equipment room exhaust fan directly outdoors.

50. Failure to vent the equipment room exhaust fan directly outdoors is a violation of Section 501.3 of the 2000 Michigan Mechanical Code and constitutes grounds under Section 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions.

COUNT XII

FAILURE TO CORRECT VIOLATIONS AND GAIN
INSPECTION APPROVALS

51. Paragraphs 26 and 27 above are incorporated herein by reference and repeated as if fully set forth.

52. Respondents, as the mechanical permit holder for the Chekaway residence, failed to correct code violations and obtain the approval of the enforcing agency for portions of the installations, alterations, or servicing of mechanical systems.

53. Failure to correct any portions of an installation, alteration, or servicing of a mechanical system that does not comply with any provision of the Residential Code is a violation of Section R109.4 of the 2000 Michigan Residential Code and constitutes grounds

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

under Sections 11(1)(f) of the Mechanical Act, MCL 338.981(1)(f), for the Mechanical Board to proceed under Section 16 of the Mechanical Act, MCL 338.986, to impose sanctions.

COUNT XIII

OMISSION OF MATERIAL INFORMATION TO CONSUMERS

54 Respondents, as the mechanical permit holder for the Chekaway residence, omitted to disclose the following material facts necessary for John and Carolyn Chekaway, whose property was the subject of mechanical permit number M284970, to make an informed decision on whether or not to enter into a contract for the performance of mechanical work at their home:

- a. Respondents omitted to disclose that neither Dan Hogan nor any employee of his licensed entity would design or install the mechanical systems authorized by this mechanical permit;
- b. Respondents omitted to disclose that they had applied for this mechanical permit as a favor to the Builder in order to assist the Builder in circumventing the licensing requirements of a mechanical contractor;
- c. Respondents omitted to disclose their informal arrangement with the Builder whereby they would obtain the plumbing subcontract for a new construction project based, in part, on their willingness to also inappropriately obtain a mechanical permit for the Builder to use; and

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

- d. Respondents omitted to disclose that the mechanical systems in this residence would not be designed and installed by a licensed mechanical contractor

55. Omitting to disclose material information to the consumers of mechanical work on a residence for which a licensee is required and obtaining a mechanical permit is an act of fraud or deceit in the performance of work for which a license is required under the Mechanical Contractors Act and constitutes grounds under Section 11(1)(b) of the Mechanical Contractors Act, MCL 338.981(1)(b), for the Mechanical Board to proceed under Section 16 of the Mechanical Contractors Act, MCL 338.986, to impose sanctions.

THE CONDUCT alleged in Counts I through XIII may constitute grounds for the suspension, denial, or revocation of your mechanical contractor license, restitution and/or civil penalties pursuant to the Mechanical Act

BE ADVISED that the Bureau must provide you with an opportunity to show compliance with all lawful requirements before commencing formal proceedings that might lead to penalties provided in the Mechanical Act and the State Construction Code Act. This is your Notice of the right to that opportunity.

BE FURTHER ADVISED that you may attempt to show compliance in writing. Alternatively, you may appear at an informal conference with the Bureau's representative scheduled for Thursday, December 20, 2007, at 10:30 a.m., at the Bureau's offices at 2501 Woodlake Circle, Okemos, Michigan 48864

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT


BE FURTHER ADVISED that it is important you understand that any statements which you present either in a written response or at any informal conference may be used against you at a formal hearing if one is held. It is also important that you understand you have the right, at your own expense, to have an attorney assist you in preparing a written response or assist you at an informal conference

BE FURTHER ADVISED that if the Bureau's representatives decide you have not made a sufficient showing of compliance or if you do not respond to this Second Amended Statement of Intent, the Bureau's representatives may institute formal administrative proceedings regarding the charges set forth in this Second Amended Statement of Intent.

ANY COMMUNICATION regarding this Second Amended Statement of Intent should be addressed to the Bureau of Construction Codes, Attention: Scott Fisher - Agency File No. 05-0445-M, P.O. Box 30254, Lansing, Michigan 48909

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By:



Scott D. Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P O Box 30254
Lansing, Michigan 48909

Dated: 11-19-07
Okemos, Michigan

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

A Copy of this Second Amended Statement of Intent was sent by
Certified and First Class Mail to:

Daniel E. Hogan
c/o Timothy F. Sheridan
PLUNKETT & COONEY, P.C.
333 Bridge Street NW, Suite 530
Grand Rapids, Michigan 49504

Christopher J. Hogan
c/o Timothy F. Sheridan
PLUNKETT & COONEY, P.C.
333 Bridge Street NW, Suite 530
Grand Rapids, Michigan 49504

John Patrick "Pat" Hogan
c/o Timothy F. Sheridan
PLUNKETT & COONEY, P.C.
333 Bridge Street NW, Suite 530
Grand Rapids, Michigan 49504

John and Carolyn Chekaway
7059 Coates Highway
Manistee, Michigan 49660

A Copy of this Second Amended Statement of Intent was sent by Interdepartmental Mail to:

Tennison Barry, Chief
Mechanical Division
Bureau of Construction Codes
P O Box 30254
Lansing, Michigan 48909

Kevin Kalakay, Sr. Mechanical Inspector
Mechanical Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

HOGAN PLUMBING & HEATING
SECOND AMENDED STATEMENT OF INTENT

Mark Sisco, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Scott Fisher, Director
Office of Local Government & Consumer Services
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Richard P. Gartner
Department of Attorney General
Labor Division
5th Floor Williams Building
P.O. Box 30736
Lansing, Michigan 48909



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 1, 2008

M-08-13

TO: Members of the Board of Mechanical Rules
FROM: Tennison B. Barry, Chief, Mechanical Division
SUBJECT: Appeal Request for Examination

APPLICANT REPRESENTATIVE:

Ronald Kowalski

PROJECT:

Not applicable.

AUTHORITY:

The Forbes Mechanical Contractors Act 1984 PA 192 of the Michigan Compiled Laws.

REQUEST:

Requesting an appeal to sit for the Mechanical Contractors Licensing Examination in the classifications of Refrigeration and Limited heating service.

APPLICABLE RULE:

R 338.903a of the Board of Mechanical Rules License Examination Procedures.

FINDINGS:

Mr. Kowalski was licensed through Redford Township in 1984 as a Refrigeration Contractor. In 1985 when the Forbes Mechanical Contractors Act became effective, Mr. Kowalski grandfathered in to a Michigan Mechanical Contractor License in the classifications of HVAC equipment and Unlimited Refrigeration and A/C service. According to Mr. Kowalski's correspondence dated May 13, 2008, he was under the assumption that the classifications he grandfathered would allow him to service HVAC equipment and install refrigeration equipment.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/dleg

DLEG is an equal opportunity employer/program
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Page 2

The individual that Mr. Kowalski worked for at that time is now deceased and cannot verify his experience.

RECOMMENDATION:

Based on the fact that Mr. Kowalski's experience prior to him grandfathering was primarily Refrigeration, staff recommends approval for Mr. Kowalski to sit for the Refrigeration exam.

Staff did not find any evidence that would suggest that Mr. Kowalski has experience in heating service and is recommending denial of the request to sit for the Limited heating service exam.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 24, 2008

Mr. Ronald D. Kowalski
3472 Car Drive
Commerce Twp, MI 48382

Dear Mr. Kowalski:

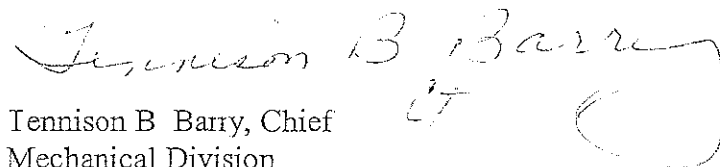
On July 16, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination in classifications #4, Refrigeration and #6, Unlimited heating service.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event

If I can be of further assistance, you may contact me

Sincerely,


Tennison B. Barry, Chief
Mechanical Division

TBB/cct

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Premier

Refrigeration Co.

PHONE: 248-674-9393

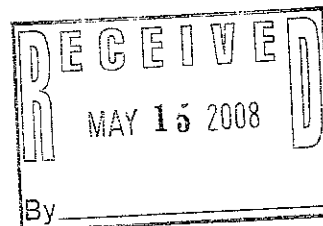
FAX: 248-666-4877

May 13, 2007

P.O. BOX 387

MILFORD, MI 48381

Bureau of Construction Codes
Attn: Kevin Kalakay
P O Box 30254
Lansing, MI 48909



To Whom It May Concern:

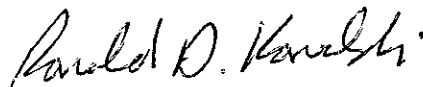
I would like to request an appointment with the Board of Mechanical Rules in order to explain my situation and request permission to take the mechanical examination for refrigeration installation and heating & cooling service.

I was originally licensed through the City of Detroit and grandfathered in through the State of Michigan. I requested to be licensed in HVAC equipment and unlimited refrigeration and AC service under the assumption this would cover both service and installation of HVAC, refrigeration and A/C units.

After pulling permits for 28 years, it has been brought to my attention that I am not licensed in the correct areas. I would like to rectify this situation by taking the appropriate examinations for code 4 (refrigeration) and code 6 (unlimited heating service).

Since the contractor I worked for previously has passed away, I would appreciate the opportunity to discuss my experience with the Board of Mechanical Rules. Thank you for your consideration.

Sincerely,



Ronald D Kowalski
3472 Car Drive
Commerce Twp., MI 48382
License # 7101527

JENNIFER M. GRANHOLM
GOVERNOR

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

**MECHANICAL CONTRACTOR LICENSE
ISSUED BY
THE BOARD OF MECHANICAL RULES**

CONTRACTOR OF RECORD
KOWALSKI, RONALD DAVID

CLASSIFICATIONS
2 HVAC EQUIPMENT
8 UNLIMITED REF/AC SRV

RONALD DAVID KOWALSKI
3472 CARL DRIVE
COMMERCE TWP MI 48382

LICENSE NO.
7101527

EXPIRATION DATE
08/31/2010

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN

May 1, 2008

Ronald Kowalski
3472 Car Dr
Commerce Twp, MI 48382

Dear Mr. Kowalski:

The Mechanical Division has received your application for Mechanical Contractor Licensing Examination. Upon review, it has been determined that the following information is required before you can be scheduled for examination:

You may wish to send a letter requesting the Board of Mechanical Rules to review your file and/or to appear before the Board to present evidence as to your eligibility for examination.

If appropriate, return the required information along with this letter to: Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Mechanical Division, P.O. Box 30254, Lansing, Michigan 48909. If we do not receive a response within 15 days from the date of this letter, your application for examination will be denied in accordance with Rule 902(5) and (6).

If you have any questions regarding the information in this letter, please contact this office at 517/241-9325, preferably after 10:00 a.m. on weekdays.

Sincerely,

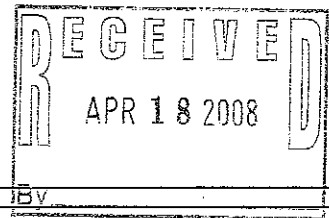


Kevin Kalakay, Assistant Chief
Mechanical Division

KDK/tml

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www.michigan.gov



PHONE: 248-674-9393
FAX: 248-666-4877

6650 HIGHLAND ROAD
SUITE 310
WATERFORD, MI 48327

Date: 4-10-08

Mr Dave Adams
State of Michigan

Dave,

Per our conversation at your office you asked me to summarize my experience record.

The following is a summary of my experience

Albion College from August 1975 thru May of 1977 Two years of Pre Engineering undergraduate classes.

Progressive Refrigeration from May of 1977 thru July 1980 Service and installation of Refrigeration, Heating and Air Conditioning systems up to 100 tons. Heating systems up to 2 million BTU's Boiler systems up to 750,000 BTU's. Hydronics in both heating and chilled water. Including commercial and light Industrial applications. Gas piping and Ventilation. Sheet Metal installation. This employer has deceased.

Premier Refrigeration from August 1980 thru present. Service and Installation of Refrigeration, Heating and Air Conditioning systems up to 140 tons cooling and 1.5 million BTU's. Boiler systems up to 500,000 BTU's. Hydronics in both heating and chilled water Both Commercial and Light Industrial Gas piping and Ventilation. Sheet Metal installation.

I just wanted to give a quick summary of my situation. I was originally licensed through the City of Detroit in July of 1980. When the licensing started going through the State, I called your office for guidance to select the categories to be licensed in. I explained what types of work I was performing. It included the servicing and installation of refrigeration, heating and air conditioning. I was confused on which license I needed. They told me I needed to have #2 HVAC Equipment and #8 Unlimited Refrigeration and Air Conditioning service. Since then I have been under the impression that I could service and install all types of refrigeration, heating and air conditioning systems on both commercial and light industrial applications. Up until just recently, all cities accepted my license. I tried to pull a permit to install a refrigeration system in the city of Troy, and found out that my license was incorrect.

Now that I am aware of this problem I am asking to be allowed to take the tests for the classification of #4 Refrigeration and #5 Limited heating service. I would like to correct this improper interpretation so our company and our employees can continue to operate our business. We have been in business since 1980 and employ nine employees. If I was aware of this earlier I would have been able to get a letter of employment verification experience from my past employer so I could take these tests. However he is deceased. I would be very grateful for your consideration in this matter.

If you need any further information on my experience record please let me know.

Thank you,
Ronald D Kowalski
Ronald Kowalski
President
Premier Refrigeration Co

This instrument was acknowledged before me on April 17, 2008 by

Ronald Kowalski only
Kelly White
(signature of Notary public)

Notary Public
The

My commission expires: July 18, 2011

Upgrade

Application for Mechanical Contractor License Examination

127

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes / Mechanical Division
P O Box 30255, Lansing, MI 48909
517-241-9325

www.michigan.gov/bcc

Application Fee: \$25.00 (nonrefundable)

Authority: 1984 PA 192
Completion: Mandatory
Penalty: License will not be issued

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

Instructions:

- Complete and sign application. Type or print in ink
- Application must be received in the Bureau office not less than 20 working days before next scheduled exam
- PA 236 of 1996, as amended, requires an applicant to include his or her social security number. However, a requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances.
 - This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act
- Enclose a check made payable to the State of Michigan
- Mail completed application and fee to the address above

Applicant Information

CONTRACTOR LICENSE NUMBER - LICENSE UPGRADE ONLY

71-01527

NAME (Last, First, Middle) No Initials

KOWALSKI, RONALD, DAVID

DATE OF BIRTH

ADDRESS

3472 CAR DRIVE

CITY

COMMENCE TWP

COUNTY

OAKLAND

STATE

MI

ZIP CODE

48382

SOCIAL SECURITY NUMBER

TELEPHONE NUMBER (Include Area Code)

Work Classifications (Check work classifications for which you are seeking licensure)

- | | |
|--|--|
| <p><input type="checkbox"/> 1. Hydronic heating and cooling and process piping
(Means the application of equipment and systems which provide air conditioning by the controlled forced circulation of fluids or vapors in pipes.)</p> <p><input type="checkbox"/> 2. HVAC equipment.
(Means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window type air conditioners of not more than 1 1/2 horsepower.)</p> <p><input type="checkbox"/> 3. Ductwork.
(Means the air distribution arrangement for supply, return and exhaust in air conditioning systems and in non-air conditioning systems, the materials and methods of which are specified in the Michigan Mechanical Code. Ductwork includes flues, vents and chimneys.)</p> <p><input checked="" type="checkbox"/> 4. Refrigeration.
(Means the use of equipment and systems including refrigeration piping, employing the refrigeration cycle to generate low temperatures for other than air condition equipment and systems. Refrigeration includes such equipment and systems as supermarket refrigeration, industrial refrigeration, the preservation of biological materials and food storage facilities. Refrigeration does not include the installation of portable self-contained units such as refrigerators, dehumidifiers and other similar equipment of not more than 1.5 horsepower or other equipment exempted from the Michigan Mechanical Code.)</p> <p><input checked="" type="checkbox"/> 5. Limited heating service.
(Means the servicing of gas-designed sectional boilers having inputs of not more than 1 million Btu's, utilizing a combustion safeguard designed to shut off the main gas supply 10 or less seconds after pilot flame failure, and all other gas-fired or solid fuel equipment and systems limited to input ratings of less than 400,000 Btu's per unit; or oil-fired equipment and systems designed for the use of number 1 or number 2 fuel oil having a maximum firing rate of less than five gallons per hour per unit; or electrical furnaces and electric boilers using the same kilowatts that are equivalent to the fossil fuel British thermal units generated.)</p> | <p><input type="checkbox"/> 6. Unlimited heating service.
(Means the servicing of heating equipment and systems without restrictions concerning thermal capacity or grade of fuel oil or type of fuel.)</p> <p><input type="checkbox"/> 7. Limited refrigeration and air conditioning service.
(Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited capacity utilizing group one refrigerants as listed in the Michigan Mechanical Code.)</p> <p><input type="checkbox"/> 8. Unlimited refrigeration and air conditioning service.
(Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited as to thermal capacity or type of refrigerant.)</p> <p><input type="checkbox"/> 9. Fire Suppression.
(Means the integrated combination of a fire alarm system and fire suppression equipment which as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.)</p> <p><input type="checkbox"/> 10. Specialty License.
(Means a license to perform work within limits established by the board in one of the work classifications set forth below for the installation and servicing of:)</p> <p><input type="checkbox"/> a. Solar.</p> <p><input type="checkbox"/> b. Solid fuel.</p> <p><input type="checkbox"/> c. LP tank and pipe.</p> <p><input type="checkbox"/> d. Underground tank and pipe.</p> <p><input type="checkbox"/> e. Gas piping.</p> <p><input type="checkbox"/> f. Gas piping and venting.</p> |
|--|--|

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME PREMIER REFRIGERATION			DATES EMPLOYED (Month / Day / Year) FROM: AUGUST 1980 TO: PRESENT	
ADDRESS 6650 HIGHLAND RD., SUITE 311			TYPE OF WORK PERFORMED <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input checked="" type="checkbox"/> Industrial Hours per week 45	
CITY WATERFORD	STATE MI	ZIP CODE 48327		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications) SERVICE AND INSTALLATION OF REFRIGERATION, HEATING AND AIR CONDITIONAL SYSTEMS UP TO 140 TON. HEATING UP TO 1.5 MILLION BTU'S AND BOILER UP TO 500,000 BTU'S. HYDRONICS HEATING AND CEILING. GAS PIPING, VENTILATION, SHEET METAL				
Employer Complete The Following				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me, this 17th day of April , 20 08 .	
SIGNATURE OF CONTRACTOR OF RECORD Ronald D. Kowalski		DATE 4-17-08	a Notary Public in and for Oakland County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials) RONALD DAVID KOWALSKI			Signature of Notary Public [Signature]	
LICENSE NUMBER 71-01527		TELEPHONE NUMBER (Include Area Code) ---		
My Commission expires: July 08 , 20 12				

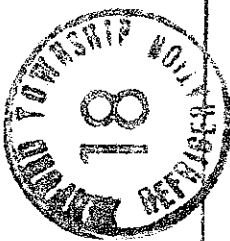
Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME PROGRESSIVE REFRIGERATION			DATES EMPLOYED (Month / Day / Year) FROM: MAY 1977 TO: JULY 1980	
ADDRESS COUNTY			TYPE OF WORK PERFORMED <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input checked="" type="checkbox"/> Industrial Hours per week 50	
CITY DETROIT	STATE MI	ZIP CODE ---		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications) SERVICE AND INSTALLATION OF REFRIGERATION, HEATING, AND AIR CONDITIONAL SYSTEMS UP TO 100 TONS. HEATING UP TO 2 MILLION BTU'S. BOILER SYSTEMS UP TO 750,000 BTU'S. HYDRONICS IN BOTH HEATING AND CHILLED WATER. GAS PIPING, VENTILATION AND SHEET METAL				
Employer Complete The Following				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me, this _____ day of _____, 20____.	
SIGNATURE OF CONTRACTOR OF RECORD DECEASED		DATE ---	a Notary Public in and for _____ County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials) LOUIS SMITH			Signature of Notary Public _____	
LICENSE NUMBER ---		TELEPHONE NUMBER (Include Area Code) ---		
My Commission expires: _____, 20____.				

FEE PAID

\$ 35.00 Ref.



REDFORD TOWNSHIP
12200 BECH DALY 531-3110
REDFORD, MICHIGAN 48239

ISSUING COMMUNITY

LICENSE NO.

29-84

☒ LICENSE

☒ REGISTRATION

☒ RECIPROCAL

☒ NON-RECIPROCAL

REFRIGERATION CONTRACTOR LICENSE

THIS IS TO CERTIFY THAT Ronald David Kowalski

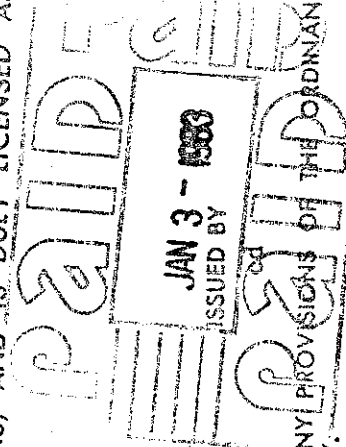
BUSINESS ADDRESS 24344 Lyndon, Redford, MI. 48239

538-8731
PHONE NO. 588-6303

IS QUALIFIED TO PERFORM THE FUNCTIONS, AND IS DULY LICENSED AS INDICATED HEREON

Class "B" Freons Refrigeration

SUPERVISING EMPLOYEE Ronald David Kowalski
ISSUED 1-3-84
EXPIRES 12/31/84



[Signature]
ENFORCING OFFICIAL

LICENSE MAY BE REVOKED UPON VIOLATION OF ANY PROVISIONS OF THE ORDINANCE OR OTHER RULES AND REGULATIONS COVERING THIS PARTICULAR ACTIVITY.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 1, 2008

M-08-14

TO: Members of the Board of Mechanical Rules
FROM: Tennison B. Barry, Chief, Mechanical Division
SUBJECT: Appeal Request for Examination

APPLICANT REPRESENTATIVE:

Thomas Ballard

PROJECT:

Not applicable.

AUTHORITY:

The Forbes Mechanical Contractors Act 194 PA 192 of the Michigan Compiled Laws.

REQUEST:

Requesting an appeal to sit for the Mechanical Contractors Licensing Examination in the classifications of Hydronic heating and cooling and process piping, HVAC equipment, Ductwork, Refrigeration, Limited Heating service and Limited refrigeration and A/C service.

APPLICABLE RULE:

R 338.903a of the Board of Mechanical Rules License Examination Procedures.

FINDINGS:

Mr. Ballard is an employee at St. Clair Regional Education Service Agency in Marysville, Michigan. He is the Director of Building and Grounds and is responsible for the repair, service and maintenance of the heating, ventilation and refrigeration equipment. He has 25 years of service in general maintenance of the kitchen equipment, electrical, plumbing and non-HVAC equipment. He indicated that he has worked with outside contractors.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/dleg

DLEG is an equal opportunity employer/program
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities

Page 2

His application was signed by Janssen Refrigeration's mechanical contractor because he has used them for HVAC repairs in the past.

RECOMMENDATION:

Based on the fact that Mr. Ballard has no experience as required by Act 192, it is the recommendation of staff to deny this request.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 24, 2008

Mr. Thomas J. Ballard
25075 Bordman Road
Memphis, MI 48041

Dear Mr. Ballard:

On July 16, 2008, the Board of Mechanical Rules will hear your appeal of the denial by staff for Mechanical Contractor License Examination.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,

Tennison B. Barry
Tennison B. Barry, Chief
Mechanical Division

TBB/cct

Providing for Michigan's Safety in the Built Environment

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Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/dleg

Thomas Ballard



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

April 25, 2008

Thomas Ballard
25075 Bordman Rd
Memphis, MI 48041

Dear Mr. Ballard:

The Mechanical Division has received your application for Mechanical Contractor Licensing Examination. Upon review, it has been determined that the following information is required before you can be scheduled for examination:

ENCLOSURE

Our records indicate that your application was signed by an individual who is a licensed mechanical contractor. However, it is not clear whether this person is your employer. Dana Panetta is not the contractor of record for St Clair County Regional Educational Service Agency. Please provide the following:

- < A letter on company letterhead with the notarized signature of the contractor of record for the company.
- < The title of the company official.
- < A notarized statement showing the length and type of work that you performed.
- < A statement indicating who supervised your work during employment with the company.
- < The supervisor's mechanical license number.

If appropriate, return the required information along with this letter to: Michigan Department of Labor & Economic Growth, Bureau of Construction Codes, Mechanical Division, P O Box 30254, Lansing, Michigan 48909. If we do not receive a response within 15 days from the date of this letter, your application for examination will be denied in accordance with Rule 902(5) and (6).

If you have any questions regarding the information in this letter, please contact this office at 517/241-9325, preferably after 10:00 a.m. on weekdays.

Sincerely,

Kevin Kalakay, Assistant Chief
Mechanical Division

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30255 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/bcc

Application for Mechanical Contractor License Examination

127

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes / Mechanical Division
P O Box 30255, Lansing, MI 48909
517-241-9325
www.michigan.gov/bcc

Trans Info: 127 13933618-1 04/18/08
Date: 271 Amt: \$25.00
By: THOMAS BALLARD

Application Fee: \$25.00 (nonrefundable)

Authority: 1984 PA 192 Completion: Mandatory Penalty: License will not be issued	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
--	--

Instructions:

- Complete and sign application. Type or print in ink
- Application must be received in the Bureau office not less than 20 working days before next scheduled exam
- P.A. 236 of 1996, as amended requires an applicant to include his or her social security number. However, a requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances
 - This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act
- Enclose a check made payable to the **State of Michigan**
- Mail completed application and fee to the address above

Applicant Information

NAME (Last First Middle) No Initials			DATE OF BIRTH	
Ballard Thomas Jesse			71 -	
ADDRESS	CITY	COUNTY	MI	ZIP CODE
25075 Bordman Road	Memphis	St. Clair	MI	48041
SOCIAL SECURITY NUMBER			TELEPHONE NUMBER (Include Area Code)	

Work Classifications (Check work classifications for which you are seeking licensure)

<input checked="" type="checkbox"/> 1. Hydronic heating and cooling and process piping. (Means the application of equipment and systems which provide air conditioning by the controlled forced circulation of fluids or vapors in pipes.)	<input type="checkbox"/> 6. Unlimited heating service. (Means the servicing of heating equipment and systems without restrictions concerning thermal capacity or grade of fuel oil or type of fuel.)
<input checked="" type="checkbox"/> 2. HVAC equipment. (Means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window type air conditioners of not more than 1 1/2 horsepower.)	<input checked="" type="checkbox"/> 7. Limited refrigeration and air conditioning service. (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited capacity utilizing group one refrigerants as listed in the Michigan Mechanical Code.)
<input checked="" type="checkbox"/> 3. Ductwork. (Means the air distribution arrangement for supply, return and exhaust in air conditioning systems and in non-air conditioning systems, the materials and methods of which are specified in the Michigan Mechanical Code. Ductwork includes flues, vents and chimneys.)	<input type="checkbox"/> 8. Unlimited refrigeration and air conditioning service. (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited as to thermal capacity or type of refrigerant.)
<input checked="" type="checkbox"/> 4. Refrigeration. (Means the use of equipment and systems including refrigeration piping, employing the refrigeration cycle to generate low temperatures for other than air condition equipment and systems. Refrigeration includes such equipment and systems as supermarket refrigeration, industrial refrigeration, the preservation of biological materials and food storage facilities. Refrigeration does not include the installation of portable self-contained units such as refrigerators, dehumidifiers and other similar equipment of not more than 1.5 horsepower or other equipment exempted from the Michigan Mechanical Code.)	<input type="checkbox"/> 9. Fire Suppression. (Means the integrated combination of a fire alarm system and fire suppression equipment which as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.)
<input checked="" type="checkbox"/> 5. Limited heating service. (Means the servicing of gas-designed sectional boilers having inputs of not more than 1 million Btu's, utilizing a combustion safeguard designed to shut off the main gas supply 10 or less seconds after pilot flame failure, and all other gas-fired or solid fuel equipment and systems limited to input ratings of less than 400,000 Btu's per unit; or oil-fired equipment and systems designed for the use of number 1 or number 2 fuel oil having a maximum firing rate of less than five gallons per hour per unit; or electrical furnaces and electric boilers using the same kilowatts that are equivalent to the fossil fuel British thermal units generated.)	<input type="checkbox"/> 10. Specialty License. (Means a license to perform work within limits established by the board in one of the work classifications set forth below for the installation and servicing of:) <ul style="list-style-type: none"><input type="checkbox"/> a Solar<input type="checkbox"/> b Solid fuel.<input type="checkbox"/> c LP tank and pipe.<input type="checkbox"/> d Underground tank and pipe<input type="checkbox"/> e Gas piping<input type="checkbox"/> f Gas piping and venting

Trade School

Have you attended a recognized trade school? ☒ Yes ☐ No

If yes and you are requesting credit, attach a copy of your official transcript and your original diploma or certificate of completion.

Examination Location

Examinations are given at the sites listed below. Refer to the enclosed "Mechanical Contractor Examination Schedule" for examination dates. Please check below the site you wish to be examined at and indicate a preference of examination date. If approved for examination, an admission card will be mailed to you approximately 10 days prior to the examination date. If the examination you have selected is full, you will be scheduled for the next available examination at your preferred site.

Preferred Site

☒ Lansing Area

☐ Escanaba

Preferred Date

6/3/08

☐ No Preference - Next Available Examination

If you have a learning disability, a psychological disability or other hidden disability that requires an accommodation in testing, submit written documentation from an appropriate professional (education professional, doctor, psychologist, psychiatrist) to certify that your disabling condition requires the requested test accommodation. Forms are available from this office.

Background Information

Have you been convicted a felony or misdemeanor? ☐ Yes ☒ No

If yes, complete the Conviction History section below. Failure to accurately respond to this question will result in you forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

Conviction History

In accordance with the Former Offenders Act, 1974 PA 381, this is to provide you with an opportunity to explain your affirmative response to the question above which asked if you had been convicted of a felony or misdemeanor.

If you are unsure of exact details, respond to the best of your knowledge. The information requested on this form is required under 1984 PA 192 and will be used to process your application. Attach additional sheet(s) if necessary.

YOUR NAME WHEN CONVICTED

INDICATE CONVICTION(S) FOR WHICH YOU WERE CHARGED

DATE(S) OF CONVICTION(S) AND SENTENCE(S)

NAME AND ADDRESS OF SENTENCING COURT(S)

CHECK YES OR NO TO THE FOLLOWING

1. Are you a current inmate? ☐ Yes ☐ No

2. Are you currently on probation / parole? ☐ Yes ☐ No

3. If yes, provide the name, address and telephone number of the correctional facility, probation officer or parole officer.

RELEASE DATE FROM CUSTODY, PROBATION OR PAROLE

REHABILITATION PROGRAMS ENROLLED IN OR COMPLETED

Conviction History Certification and Signature (To be signed only if Conviction History section above is completed)

I hereby certify the statements and facts provided are true and accurate to the best of my knowledge. By signing this form, I give my permission to allow the Bureau of Construction Codes to contact appropriate agencies regarding my record of conviction(s).

SIGNATURE

DATE

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME St. Clair County Regional Educational Service Agency			DATES EMPLOYED (Month / Day / Year) FROM 12/19/96 TO: current	
ADDRESS 499 Range Road			TYPE OF WORK PERFORMED <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Full-Time <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input type="checkbox"/> Industrial Hours per week _____	
CITY Marysville	STATE MI	ZIP CODE 48040		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications) Installed and maintained geothermal heat pumps, 1/2 to 5 ton. Installed and maintained kitchen equipment. Installed and tested gas pipe. Installed ductwork. Installed VAV boxes. Replaced DDC controls. Worked on large RTUs. Worked on 7-10 ton Liebert units for computers. Installed and maintained Sanyo split systems (AC/Heat Pump).				
(FRIEND-CONTRACTOR) Employer Complete The Following				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me this 13 th day of Apr. 1, 2008.	
SIGNATURE OF CONTRACTOR OF RECORD <i>[Signature]</i>		DATE 4-13-08	a Notary Public in and for St. Clair County Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials) JANSSEN REFRIGERATION INC.			Signature of Notary Public <i>[Signature]</i>	
LICENSE NUMBER 7109991		TELEPHONE NUMBER (Include Area Code) 8-31-2010	My Commission expires: July 15, 2011	

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME			DATES EMPLOYED (Month / Day / Year) FROM TO:	
ADDRESS			TYPE OF WORK PERFORMED <input type="checkbox"/> Residential <input type="checkbox"/> Full-Time <input type="checkbox"/> Commercial <input type="checkbox"/> Part-Time <input type="checkbox"/> Industrial Hours per week _____	
CITY	STATE	ZIP CODE		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)				
Employer Complete The Following				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me this _____ day of _____, 20__.	
SIGNATURE OF CONTRACTOR OF RECORD		DATE	a Notary Public in and for _____ County Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)			Signature of Notary Public _____	
LICENSE NUMBER		TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20__	

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME			DATES EMPLOYED (Month / Day / Year)	
			FROM:	TO:
ADDRESS			TYPE OF WORK PERFORMED	
			<input type="checkbox"/> Residential <input type="checkbox"/> Full-Time	
			<input type="checkbox"/> Commercial <input type="checkbox"/> Part-Time	
			Hours per week _____	
CITY	STATE	ZIP CODE		
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)				

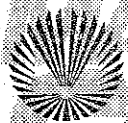
Employer Complete The Following

I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.		Subscribed and sworn before me, this _____ day of _____, 20____, a Notary Public in and for _____ County, Michigan Signature of Notary Public _____ My Commission expires: _____, 20____
SIGNATURE OF CONTRACTOR OF RECORD	DATE	
NAME OF CONTRACTOR OF RECORD (No Initials)		
LICENSE NUMBER	TELEPHONE NUMBER (Include Area Code)	

Certification and Signature (MUST BE SIGNED BY ALL APPLICANTS)

I certify all information in this application is true and complete and I agree and understand any falsification of material facts will result in my forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

SIGNATURE OF APPLICANT	DATE
	4-13-08



Macomb
Community College

Education • Enrichment • Economic Development

"This information may not be released without the written consent of the student in accordance with the provisions of the Federal Family Educational Rights and Privacy Act of 1974 as amended 1995."

ISSUED TO STUDENT

Thomas Ballard
25075 Borden Rd
Memphis, MI 48041

Student Name

Thomas J. Ballard

Student Birthdate

11/27

MCC Student ID No.

0432941

Date of Transcript

Apr 15 2008

Dean's List

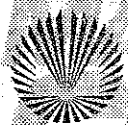
COURSE	Course Title	CRD	GRD	R	GRDPT	COURSE	Course Title	CRD	GRD	R	GRDPT
AT0011	SPRING 1976 (01/06/1976 to 05/13/1976)					MM1150	SPRING 1980 (01/09/1980 to 05/10/1980)				
AT251	SHOP ARITHMETIC	0.00	WP			WET242	BASIC MACHINE SURV	6.00	C		12.00
	PLUMBING FUNDMTLS	2.00	C		4.00		TOOL & DIE WELDING	3.00	C		6.00
	Term GPA 2.000	Credit	2.00				Term GPA 2.000	Credit	9.00		
	Cum GPA 2.000	Credit	2.00				Cum GPA 2.561	Credit	41.00		
	FALL 1976 (08/08/1976 to 12/17/1976)						FALL 1980 (08/28/1980 to 12/20/1980)				
AIF110	FLUID POWER FUND	2.00	C		4.00	WEI240	MAINTENANCE WELD	3.00	B		9.00
ATP111	DRAIN WASTE & VENT	2.00	C		4.00	WEI259	WELDNG METALURGY 2	2.00	D		2.00
	Term GPA 2.000	Credit	4.00				Term GPA 2.200	Credit	5.00		
	Cum GPA 2.000	Credit	6.00				Cum GPA 2.522	Credit	46.00		
	SPRING 1977 (01/11/1977 to 05/12/1977)						SPRING 1981 (01/13/1981 to 05/16/1981)				
AIF112	FLUID POWER CNTRL	2.00	A		8.00	MSI110	same as MST110 : 01/11/1982	0.00	R		R
AIW112	OXYACETYLENE WELD	2.00	B		6.00		Term GPA 0.000	Credit	0.00		
AIW113	ARC WELDING	2.00	B		6.00		Cum GPA 2.522	Credit	46.00		
	Term GPA 3.333	Credit	6.00				SPRING 1982 (01/11/1982 to 05/15/1982)				
	Cum GPA 2.667	Credit	12.00			MSI110	METALLOGRAPHY	3.00	C		6.00
	FALL 1977 (08/25/1977 to 12/17/1977)						Term GPA 2.000	Credit	3.00		
DPW115	BP RDG/LAYOUT WELD	3.00	B		9.00		Cum GPA 2.490	Credit	49.00		
WET128	GAS WELDING 2	3.00	B		9.00		FALL 2003 (08/27/2003 to 12/20/2003)				
WET129	AC/DC ARC WELD II	3.00	B		9.00	CICI1200	FNDMNIS AIR CNDRG & REFRIGRT	3.00	B		9.00
	Term GPA 3.000	Credit	9.00				09/08/2003 to 12/15/2003				
	Cum GPA 2.810	Credit	21.00				Term GPA 3.000	Credit	3.00		
	SPRING 1978 (01/10/1978 to 05/13/1978)						Cum GPA 2.519	Credit	52.00		
WEI136	GAS TUNG ARC WELD	3.00	B		9.00		WINIER 2004 (01/15/2004 to 05/15/2004)				
WEI258	WELDNG METALURGY 1	2.00	C		4.00	CICI1700	FUNDAMENTALS OF CONTROLS	3.00	A		12.00
	Term GPA 2.600	Credit	5.00				01/21/2004 to 05/12/2004				
	Cum GPA 2.769	Credit	26.00				Term GPA 4.000	Credit	3.00		
	FALL 1978 (08/24/1978 to 12/16/1978)						Cum GPA 2.600	Credit	55.00		
WET237	GAS TUNG ARC WLD 2	3.00	B		9.00		FALL 2004 (08/25/2004 to 12/18/2004)				
	Term GPA 3.000	Credit	3.00			CLCI1300	REFRIGERATION 1	3.00	A		12.00
	Cum GPA 2.793	Credit	29.00				08/26/2004 to 12/16/2004				
	SPRING 1979 (01/09/1979 to 05/12/1979)					CICI1500	HEATING 1	3.00	A		12.00
WET238	PIPE WELDING	3.00	C		6.00		08/25/2004 to 12/15/2004				
	Term GPA 2.000	Credit	3.00				Term GPA 4.000	Credit	6.00		
	Cum GPA 2.719	Credit	32.00				Cum GPA 2.738	Credit	61.00		
	Continued on next Column/Page						Continued on next Column/Page				

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Ronald C. Hughes, College Registrar



Macomb
Community College

Education • Enrichment • Economic Development

This information may not be released without the written consent of the student in accordance with the provisions of the Federal Family Educational Rights and Privacy Act of 1974 as amended 1995.

ISSUED TO STUDENT

Thomas Ballard
25075 Bordman Rd
Memphis, MI 48041

Student Name

Thomas J. Ballard

Student Birthdate

11/27

MCC Student ID No.

0432941

Dean's List

Date of Transcript

Apr 15 2008

COURSE	Course Title	CRD	GRD	R	GRDPT
CLCT1400	WINIER 2005 (01/13/2005 to 05/14/2005) AIR CONDITIONING 1 01/18/2005 to 05/10/2005 Term GPA 4.000 Credit 3.00 Cum GPA 2.797 Credit 64.00	3	00	A	12 00
CLCT1600	FALL 2005 (08/24/2005 to 12/17/2005) DUCT LAYOUT & FABRICATION 08/30/2005 to 12/13/2005	3	00	A	12 00
CLCT1650	SYSTEMS DSGN OF HEAT & AIR CNDI 08/25/2005 to 12/15/2005 Term GPA 3.850 Credit 6.00 Cum GPA 2.887 Credit 70.00	3	00	A-	11 10
CLCT1750	WINIER 2006 (01/12/2006 to 05/13/2006) INTERMEDIATE CONTROLS 01/16/2006 to 05/08/2006 Term GPA 4.000 Credit 3.00 Cum GPA 2.933 Credit 73.00	3	00	A	12 00
CLCT2300	2006 FALL (08/23/2006 to 12/20/2006) REFRIGERATION 2 08/23/2006 to 12/13/2006	3	00	A	12 00
CLCT2400	AIR CONDITIONING 2 08/25/2006 to 12/15/2006 Term GPA 4.000 Credit 6.00 Cum GPA 3.014 Credit 79.00	3	00	A	12 00
CLCT2550	2007 WINIER (01/11/2007 to 05/12/2007) STEAM & HOT WATER HEATING SYSIM 01/16/2007 to 05/08/2007 Term GPA 3.700 Credit 3.00 Cum GPA 3.039 Credit 82.00	3	00	A-	11 10
CLCT2500	2007 FALL (08/22/2007 to 12/15/2007) HEATING 2 08/27/2007 to 12/10/2007	3	00	A	12 00
CLCT2700	ADVANCED CONTROLS 08/24/2007 to 12/14/2007 Term GPA 4.000 Credit 5.00 Cum GPA 3.105 Credit 88.00	3	00	A	12 00

Continued on next Column/Page

COURSE	Course Title	CRD	GRD	R	GRDPT
Program	Welding Technology				
Awards	Certificate on 12/31/1982				
Specializations	Welding Technology				
Program	General Studies				
Awards	Certificate on 12/31/1982				
Specializations	General Studies				
Degree Received	Associate of General Studies				
Awarded On	05/2005				
Program	General Studies				
Specializations	General Studies				
End of official record					

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Ronald C. Hughes, College Registrar

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 1, 2008

M-08-11

TO: Members of the Board of Mechanical Rules
FROM: Tennison B. Barry, Chief, Mechanical Division
SUBJECT: Good Moral Character

APPLICANT REPRESENTATIVE:

Robert Walker

PROJECT:

Not applicable.

AUTHORITY:

The Forbes Mechanical Contractors Act 1984 PA 192 of the Michigan Compiled Laws and the Former Offenders Act 1974 PA 381, MCL 338.41 et seq; MSA 18.1208(1) et seq.

REQUEST:

Requesting an appeal to sit for the Mechanical Contractors Licensing Examination.

APPLICABLE RULE:

R 338.903(4) of the Board of Mechanical Rules License Examination Procedures.

FINDINGS:

RECOMMENDATION:

Staff has no recommendation.

Providing for Michigan's Safety in the Built Environment

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 24, 2008

Mr. Robert Walker
145 Grove
Highland Park, MI 48203

Dear Mr. Walker:

On July 16, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381, as amended.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me

Sincerely,

Jennison B. Barry
Jennison B. Barry, Chief

Mechanical Division

TBB/cct

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

April 30, 2008

Mr. Robert Walker
145 Grove
Highland Park, MI 48203

Dear Mr. Walker:

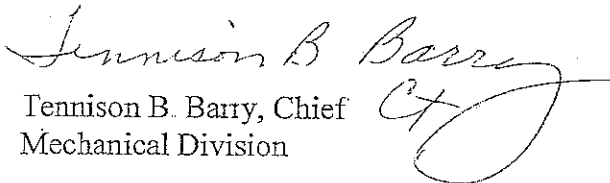
On May 14, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381, as amended.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me

Sincerely,


Tension B. Barry, Chief
Mechanical Division

TBB/cct

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**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES**

In The Matter Of:

Mr. Robert F. Walker
145 Grove
Highland Park, Michigan 48203

**NOTICE OF DENIAL OF AN APPLICATION FOR
MECHANICAL CONTRACTOR'S EXAMINATION/LICENSE**

NOTICE is herewith given that the Michigan Department of Labor & Economic Growth, (hereafter "Department"), Bureau of Construction Codes, pursuant to the Act relating to Former Offenders, 1974 PA 381, as amended, MCL 338.41 et seq; MSA 18.1208(1) et seq (hereafter the Act), has determined that the Applicant is unqualified for the examination or license for the mechanical contractor requested for lack of good moral character within the meaning of the Act. Accordingly, the APPLICATION FOR EXAMINATION/LICENSURE OF MECHANICAL CONTRACTOR IS HEREBY DENIED. The basis for this decision is as follows:

1. Certified copies of the complaint from Grant County Superior Court, Marion, Indiana, Cause No. 27D02-9203-CF-13 establish that Applicant plead guilty to one count Felony, Dealing in Cocaine, IC35 48-4-1 on September 11, 1992. He was sentenced to 10 years prison – 6 years suspended, 6 years probation and \$113 costs.
2. Certified copies of the complaint from 3rd Circuit Court, Detroit, Michigan, docket No. 96-1315 establish that Applicant plead guilty to one count Felony,

Possession of Cocaine < 25 grams, MCL 333.74032aV on March 19, 1996.

He was fined \$240.00 and placed on probation for 2 years.

3. Certified copies of the complaint from 30th District Court, Highland Park, Michigan, docket No. 0600741CM establish that Applicant plead guilty to one count misdemeanor, Disorderly, Ordinance #666 05G on November 1, 2006.

He was fined \$414.00, and placed on probation for 6 months.

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Department, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL", file a written appeal with the Department setting forth those reasons why the examination/license should be granted. Said appeal may rebut the evidence set forth in paragraph(s) No. 1 to 3 above by showing that at the current time the applicant has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that the applicant has been rehabilitated, or that the substance(s) of the former offense(s) is/are not reasonably related to the practice of the mechanical contractor. Said appeal may be accompanied by a brief summary of the incident(s) which led to the conviction(s) and the factors surrounding the incident(s); business/personal references; a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH AN APPEAL IS TIMELY FILED, the Bureau of Construction Codes will consider the application in view of the reasons set forth in the appeal.

IT IS IMPORTANT THAT THE PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT SHOULD BE GRANTED AN EXAMINATION/LICENSE FOR MECHANICAL CONTRACTOR

YOU MAY WISH TO APPEAR BEFORE THE BOARD WHEN YOUR APPEAL IS CONSIDERED. YOU MAY ALSO, AT YOUR OWN EXPENSE, BE REPRESENTED BY COUNSEL AT THE APPEAL.

UPON COMPLETION OF THE BOARD'S REVIEW, THE APPLICANT SHALL BE NOTIFIED OF THE DECISION IN WRITING.

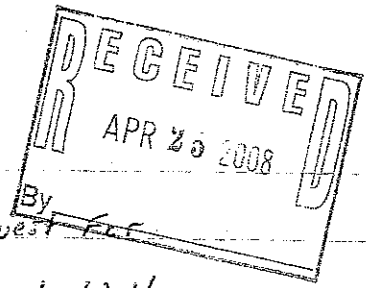
The instant denial of an examination or license for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. YOU ARE HEREBY NOTIFIED that in the event the Department determines that the applicant is unqualified for reasons other than lack of good moral character, the applicant will be notified by way of separate and different NOTICE OF DENIAL.

By: Tennison B. Barry
Tennison B. Barry Chief
Mechanical Division

DATED: 3-26-08

Written Appeal to the Board Should be Addressed To:

Department of Labor & Economic Growth
Bureau of Construction Codes
Mechanical Division
P.O. Box 30254
Lansing, Michigan 48909



Dear Mechanical Board

I recieved your denial of my request for mechanical Licensed Examination Test. With Great disappointment I Felt but with even more respect I understand. We are responsible for not only equipment that can be dangerous To Life, but we are engaged in peoples and their Family's safe zone, their home and personal belongings. The moral Convict Act was in my opinion to ensure that the people that are Licensed To enter people homes and businesses are Trustworthy, honest, respectful, safe, and Peaceful. Not The opposite. People expect Professionals People To service their equipment, not "harden criminals". I'm not one of them cases.

I made mistakes as far back as I remember of the age of 14 yrs old regarding The criminal system. I never was a Thief, murderer, rapist, or any violent crime. I did sell drugs. A mistake I regret To this very day. It wasn't For the money, but just trying To fit in with the "Cool guys". I never was the most popular guy. I eventually became a victim of the "Drug Game". I Battled with the help of the Dept of Corrections and I have been For the most part Felony Free For 12 Years.

I have been making the necessary steps
To ensure myself and Family and Friends and
Community that I will not ever again destroy
our country with Drugs. For 12 Years I have
been a productive member of society. I
have maintained Employment when possible.
I Furthered my education. I became a God
Fearing Man. I'm drug free. Most of All I
believe I show my community (Younger gen-
eration) a positive image Now.

I believe Integrity is the most important
ingredient to success. I built on my integrity
with opportunities I had. Like being opening
manager of McDonalds, where I was responsible
for the cash, employees, stock, switching of grill
Temps (From breakfast To Lunch) For proper Food prepa-
ration and shift operation. I was also the head
baker at Tim hortons, being responsible for all
the morning bake goods with no supervision at
All.

I Then believed in order To become The
man I know I can be I enrolled in school.
At First I thought I couldn't do it, but I
summoned up the ^{strength} ~~advice~~ and became a 4.0
GPA student.

Upon graduation of school I moved
To Atlanta, Ga where I maintained Two Jobs
while seeking a position in the heating &
cooling field. I landed a job at a company
called "Encompass", a commercial heating
cooling company, where I gained some experience,
before I was terminated for disregarding com-
pany policy. I moved back to michigan and
gained employment at "Downriver Comfort Sales".
My experience was taught there and very well
I must add, The Company went through changes
in ownership and now is known as "DLS".
I'm no longer employed there because of in-
consistency of work. I then worked with com-
panies like Applied Comfort, wk, and J & B
state wide on a when need basis, but I
still was furthering my experience (Also ^{consumers energy} DTE sub work)

I am appealing this denial because I
believe you have made a mistake. I have
been in some of the most high end homes
through out wayne and oakland county, with
no complaints about my professional integrity.
I have worked on ^{most} some of the high end heating
& cooling equipment. I never been convicted
of a violent crime. I never was a BAD
reflection on none of the companies I worked
for.

I believe if you give me a chance I
will make the state of michigan a proud
state To know that "Robert Fitzgerald walker"
is a changed man, I will not let you
down, I will uphold The Code, I will
Treat people as people trusting in this state
government. I will Teach & Train my employees
in a strickly Professional manner. No Drug
use. I will not waver From doing right.
I will be fair. I will be safe. I will
be honest. I will be nice. I will not lie.
I will Further and stay educated in my Field.
I will Follow state & Federal Laws regarding
The safety Act, mechanical Act, and building code.
I will do what is requested of me by
my code officials. Thank you For being open
To my request. hope To hear Good news soon

Kurt milner
Downriver Comfort Sales (contracting for DTE,
How Known as Consumers energy)
DCS
24680 Eureka rd
Taylor, mi

Louis Truhy

Robert Fitzgerald Walker

Corey Ivey
Applied Comfort

WK heating & Cooling

McDonalds

7 mile & Woodward

Former owner Robert Chappel

Becker Fuel, Love
J & B Statewide

Tim Hoffens



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

July 1, 2008

M-08-15

TO: Members of the Board of Mechanical Rules
FROM: Tennison B. Barry, Chief, Mechanical Division
SUBJECT: Good Moral Character

APPLICANT REPRESENTATIVE:

Michael Ruhl

PROJECT:

Not applicable.

AUTHORITY:

The Forbes Mechanical Contractors Act 1984 PA 192 of the Michigan Compiled Laws and the Former Offenders Act 1974 PA 381, MCL 338.41 et seq; MSA 18.1208(1) et seq

REQUEST:

Applicant appeals the denial by the Board of Mechanical Rules for Mechanical Contractor Licensing Examination

APPLICABLE RULE:

R 338 903(4) of the Board of Mechanical Rules License Examination Procedures.

FINDINGS:

RECOMMENDATION:

Staff has no recommendation.

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

June 24, 2008

Mr. Michael Ruhl
21140 E Glen Haven Circle
Northville, MI 48167

Dear Mr. Ruhl:

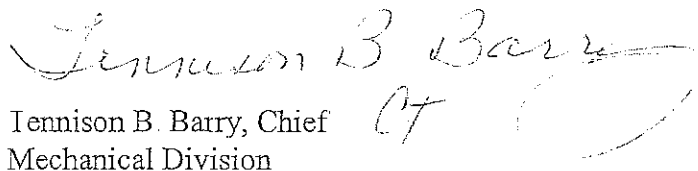
On July 16, 2008, the Board of Mechanical Rules will hear your appeal of the denial for Mechanical Contractor License Examination pursuant to the Former Offenders Act, 1974 PA 381, as amended

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me.

Sincerely,


Jennison B. Barry, Chief
Mechanical Division

TBB/cct

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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

May 2, 2008

Mr. Michael G. Ruhl
21140 E. Glen Haven Circle
Northville, MI 48167

Dear Mr. Ruhl:

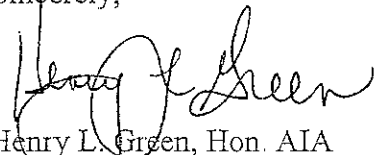
I am writing in response to your letter dated March 29, 2008, received by this office on April 30, 2008. In your letter you have requested an appeal of the decision of the Board of Mechanical Rules to deny your application for licensure as a mechanical contractor.

Your letter outlines you did not receive the notice of the previous meeting until one day prior to the hearing. Our records indicate the notice was mailed to you on August 30, 2007, for the September 19, 2007 Meeting of the Board of Mechanical Rules.

Because the agenda for the next meeting is set, your request for reconsideration of the September 19, 2007 decision of the Board to deny your application will be heard at the July 16th Board Meeting. A specific notice of that meeting time and location will be forwarded to you as we near the meeting date.

In the interim, if you have questions, please feel free to contact the Mechanical Division at (517) 241-9325.

Sincerely,



Henry L. Green, Hon. AIA
Executive Director

HLG/hav

Cc: Mechanical Division

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9302 • Fax (517) 241-9570
www.michigan.gov

To Whom It May Concern;

July 10, 2007

This Letter is to testify for the integrity of Mr. Michael Ruhl. During his four year tenure with P&K Plumbing, his dealings with the customers was above reproach. The tasks he was responsible for, plumbing of all types as well as natural gas distribution systems and fixture tie-in, were well executed, had a professional appearance and reliable function and a high passage rate on permit inspections.

In short , he is not only capable but exemplary as a tradesman.

Sincerely,

John M. Perander
Master Plumber, Mechanical contractor
P&K Plumbing
P.O. Box 2360
Howell, Mi. 48844
(313) 533-1075

Will this
be legible

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In The Matter Of

Mr. Michael G. Ruhl
21140 E. Glen Haven Circle
Northville, MI 48167

NOTICE OF DENIAL OF AN APPLICATION FOR
MECHANICAL CONTRACTOR'S EXAMINATION/LICENSE

NOTICE is hereby given that the Michigan Department of Labor & Economic Growth, (hereafter "Department"), Bureau of Construction Codes, pursuant to the Act relating to Former Offenders (1977 PA 381, ICL 338-1 et seq., MSA 13:1208-1 et seq.) (hereafter the Act), has determined that the Applicant is unqualified for the examination and license for the mechanical contractor requested for lack of good moral character within the meaning of the Act.

RECORD # 91-008474 APPLICATION FOR EXAMINATION AND LICENSING OF MECHANICAL CONTRACTOR IS HEREBY DENIED. The basis for this decision is as follows:

1. Certified copies of the complaint from the 52nd - 1st District Court, Novi, Michigan, Docket No. 91-008474 establish that Applicant pled guilty to misdemeanor Retail Fraud 2nd Degree, MCL 750.356D on September 3, 1992. He was fined \$265.00 and sentenced to outpatient counseling and finishing school.

2. Certified copies of the complaint from the 6th Circuit Court, Pontiac, Michigan, Docket No. 92-118671 FH establish that Applicant plead guilty to felony, Carrying a Concealed Weapon, MCL 750.227 on August 10, 1992. He was fined \$500.00 and placed on probation for 24 months.
3. Certified copies of the complaint from the 52nd - 1st District Court, Novi, Michigan, Docket No. 94-000261 and 94-000262 establish that Applicant plead guilty to 2 counts of misdemeanor, Open Intox in Motor Vehicle - Driver, MCL 436.33A on January 25, 1994. He was put under advisement for 12 months with no alcohol related offenses and was dismissed on July 5, 1995.
4. Certified copies of the complaint from the 16th District Court, Livonia, Michigan, Docket No. 125286LM94 establish that Applicant plead guilty to misdemeanor, Illegal Possession of Alcohol, MCL 9-32050 on April 24, 1995. He was fined \$115.00.
5. Certified copies of the complaint from the 65th District Court, Ann Arbor, Michigan, Docket No. 94-1202 establish that Applicant plead guilty to misdemeanor, Driving While License Suspended, MCL 257.9041C on December 14, 1995. He was fined \$1,000.00, sentenced to 40 days in jail, and placed on probation for 24 months.
6. Certified copies of the complaint from the 52nd - 1st District Court, Novi, Michigan, Docket No. 95-006668 establish that Applicant plead guilty to misdemeanor, Drove While License Suspended, MCL 257.9041C on January 19, 1996. He was sentenced to 9 months probation.

- 7 Certified copies of the complaint from the 46th District Court, Southfield, Michigan, Docket No. 01 S 00477 establish that Applicant plead guilty to Counts 1 and 2 misdemeanor, Failure to Stop at Scene of Property Damage Accident and Failure to Maintain Security, on July 26, 2001. He was placed on probation for 6 months
- 8 Certified copies of records from the 52nd - 1st District Court, Novi, Michigan, Various Docket Nos. establish that Applicant was convicted of Driving While Licensing Suspended twice, Speeding, No Registration of Proof of Insurance from August 2002 to October 2004

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Department, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL", file a written appeal with the Department setting forth those reasons why the examination/license should be granted. Said appeal may rebut the evidence set forth in paragraphs 1 through 8 above by showing that at the current time the applicant has the ability to, and is likely to, practice the practice in a fair, honest and open manner; that the applicant has been rehabilitated; or that the substance of the former offenses are not reasonably related to the practice of the mechanical contractor. Said appeal may be accompanied by a brief summary of the incidents which led to the convictions and the factors surrounding the incidents; business/personal references, a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH AN APPEAL IS TIMELY FILED, the Bureau of Construction Codes will consider the application in view of the reasons set forth in the appeal.

IT IS IMPORTANT THAT THE PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT SHOULD BE GRANTED AN EXAMINATION/LICENSE FOR MECHANICAL CONTRACTOR.

YOU MAY WISH TO APPEAR BEFORE THE BOARD WHEN YOUR APPEAL IS CONSIDERED. YOU MAY ALSO, AT YOUR OWN EXPENSE, BE REPRESENTED BY COUNSEL AT THE APPEAL.

UPON COMPLETION OF THE BOARD'S REVIEW, THE APPLICANT SHALL BE NOTIFIED OF THE DECISION IN WRITING.

The instant denial of an examination/license for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. YOU ARE HEREBY NOTIFIED that in the event the Department determines that the applicant is unqualified for reasons other than lack of good moral character, the applicant will be notified by way of separate and different NOTICE OF DENIAL.

By: Terrison B. Bany
Terrison B. Bany Chief
Mechanical Division

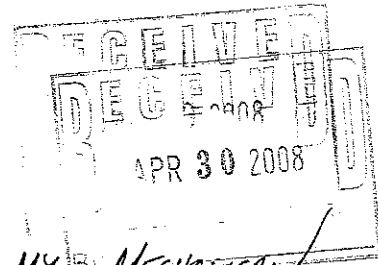
DATED: 6-4-07

Written Appeal to the Board Should be Addressed To:

Department of Labor & Economic Growth
Bureau of Construction Codes
Mechanical Division

3/29/08

MECHANICAL DIVISION,



I PREVIOUSLY APPLIED FOR MY ~~MECHANICAL~~ GAS PIPING TEST AND WAS DENIED, WROTE A LETTER TO ASK FOR A HEARING IN FRONT OF THE REVIEW BOARD AND DID NOT RECIEVE MY RESPONSE UNTIL THE DAY BEFORE THE HEARING AND COULD NOT MAKE IT. I CALLED AND WAS TOLD TO RE-APPLY, I DID AND WAS DENIED AGAIN AND WOULD LIKE TO REQUEST ANOTHER HEARING PLEASE. PLEASE RESPOND AT LEAST A WEEK IN ADVANCE BEFORE THE HEARING SO I CAN SCHEDULE TO TAKE THE DAY OFF WORK.

THANK YOU,

MICHAEL RUMC

21140 E. GLEN HAVEN CIR

NORTHVILLE, MI 48167



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

February 6, 2008

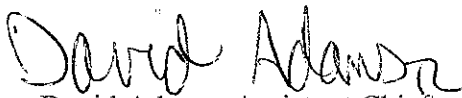
Michael Ruhl
21140 E Glen Haven Circle
Northville, MI 48167

Dear Mr. Ruhl:

The Mechanical Division has received your application for the Mechanical Contractor Licensing Examination. Your application has not been approved due to the August 2007 denial from The Board of Mechanical Rules based on the Former Offender's Act.

If you have any questions regarding the information in this letter, please contact this office at 517/241-9325, preferably after 10:00 a.m. on weekdays.

Sincerely,


David Adams, Assistant Chief
Mechanical Division

DAA/tl

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O BOX 30255 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/bcc

Application for Mechanical Contractor License Examination

127

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes / Mechanical Division
P.O. Box 30255, Lansing, MI 48909
517-241-9325

www.michigan.gov/bcc

Form Info 127 1304427-1 01 29 08
1996 FEE \$25.00
MICHAEL RUHL

Application Fee: \$25.00 (nonrefundable)

Authority: 1984 PA 192	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading writing hearing etc. under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: License will not be issued	

Instructions:

- Complete and sign application. Type or print in ink.
- Application must be received in the Bureau office not less than 20 working days before next scheduled exam.
- P.A. 236 of 1996, as amended, requires an applicant to include his or her social security number. However, a requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number or to an applicant who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances.
 - This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.
- Enclose a check made payable to the **State of Michigan**.
- Mail completed application and fee to the address above.

Applicant Information

NAME (Last, First, Middle) No initials RUHL, MICHAEL, GELON			CONTRACTOR LICENSE NUMBER - LICENSE UPGRADE ONLY 71 -		
ADDRESS 21140 E. GLEN HAVEN CR.		CITY NORTHVILLE	COUNTY OAKLAND	STATE MI	ZIP CODE 48167
SOCIAL SECURITY NUMBER			TELEPHONE NUMBER (Include Area Code)		

Work Classifications (Check work classifications for which you are seeking licensure)

<input type="checkbox"/> 1. Hydronic heating and cooling and process piping. (Means the application of equipment and systems which provide air conditioning by the controlled forced circulation of fluids or vapors in pipes.)	<input type="checkbox"/> 6. Unlimited heating service. (Means the servicing of heating equipment and systems without restrictions concerning thermal capacity or grade of fuel oil or type of fuel.)						
<input type="checkbox"/> 2. HVAC equipment. (Means the application of equipment and systems to provide air conditioning for occupants of buildings and structures. HVAC does not include the installation of portable self-contained refrigeration equipment and window type air conditioners of not more than 1 1/2 horsepower.)	<input type="checkbox"/> 7. Limited refrigeration and air conditioning service. (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited capacity utilizing group one refrigerants as listed in the Michigan Mechanical Code.)						
<input type="checkbox"/> 3. Ductwork. (Means the air distribution arrangement for supply, return and exhaust in air conditioning systems and in non-air conditioning systems, the materials and methods of which are specified in the Michigan Mechanical Code. Ductwork includes flues, vents and chimneys.)	<input type="checkbox"/> 8. Unlimited refrigeration and air conditioning service. (Means the servicing of refrigeration equipment and systems and air conditioning equipment and systems employing the refrigeration cycle unlimited as to thermal capacity or type of refrigerant.)						
<input type="checkbox"/> 4. Refrigeration. (Means the use of equipment and systems including refrigeration piping, employing the refrigeration cycle to generate low temperatures for other than air condition equipment and systems. Refrigeration includes such equipment and systems as supermarket refrigeration, industrial refrigeration, the preservation of biological materials and food storage facilities. Refrigeration does not include the installation of portable self-contained units such as refrigerators, dehumidifiers and other similar equipment of not more than 1 5 horsepower or other equipment exempted from the Michigan Mechanical Code.)	<input type="checkbox"/> 9. Fire Suppression. (Means the integrated combination of a fire alarm system and fire suppression equipment which as a result of predetermined temperature, rate of temperature rise, products of combustion, flame, or human intervention will discharge a fire extinguishing substance over a fire area.)						
<input type="checkbox"/> 5. Limited heating service. (Means the servicing of gas-designed sectional boilers having inputs of not more than 1 million Btu's, utilizing a combustion safeguard designed to shut off the main gas supply 10 or less seconds after pilot flame failure, and all other gas-fired or solid fuel equipment and systems limited to input ratings of less than 400,000 Btu's per unit; or oil-fired equipment and systems designed for the use of number 1 or number 2 fuel oil having a maximum firing rate of less than five gallons per hour per unit; or electrical furnaces and electric boilers using the same kilowatts that are equivalent to the fossil fuel British thermal units generated.)	<input checked="" type="checkbox"/> 10. Specialty License. (Means a license to perform work within limits established by the board in one of the work classifications set forth below for the installation and servicing of.) <table><tr><td><input type="checkbox"/> a. Solar.</td></tr><tr><td><input type="checkbox"/> b. Solid fuel.</td></tr><tr><td><input type="checkbox"/> c. LP tank and pipe.</td></tr><tr><td><input type="checkbox"/> d. Underground tank and pipe.</td></tr><tr><td><input checked="" type="checkbox"/> e. Gas piping</td></tr><tr><td><input type="checkbox"/> f. Gas piping and venting.</td></tr></table>	<input type="checkbox"/> a. Solar.	<input type="checkbox"/> b. Solid fuel.	<input type="checkbox"/> c. LP tank and pipe.	<input type="checkbox"/> d. Underground tank and pipe.	<input checked="" type="checkbox"/> e. Gas piping	<input type="checkbox"/> f. Gas piping and venting.
<input type="checkbox"/> a. Solar.							
<input type="checkbox"/> b. Solid fuel.							
<input type="checkbox"/> c. LP tank and pipe.							
<input type="checkbox"/> d. Underground tank and pipe.							
<input checked="" type="checkbox"/> e. Gas piping							
<input type="checkbox"/> f. Gas piping and venting.							

Trade School

Have you attended a recognized trade school? ☐ Yes ☒ No

If yes and you are requesting credit, attach a copy of your official transcript and your original diploma or certificate of completion.

Examination Location

Examinations are given at the sites listed below. Refer to the enclosed "Mechanical Contractor Examination Schedule" for examination dates. Please check below the site you wish to be examined at and indicate a preference of examination date. If approved for examination, an admission card will be mailed to you approximately 10 days prior to the examination date. If the examination you have selected is full, you will be scheduled for the next available examination at your preferred site.

Preferred Site

☒ Lansing Area

☐ Escanaba

Preferred Date

A.S.A.P.

☐ No Preference - Next Available Examination

If you have a learning disability, a psychological disability or other hidden disability that requires an accommodation in testing, submit written documentation from an appropriate professional (education professional, doctor, psychologist, psychiatrist) to certify that your disabling condition requires the requested test accommodation. Forms are available from this office.

Background Information

Have you been convicted of a felony or misdemeanor? ☒ Yes ☐ No -- ON FILE

If yes, complete the Conviction History section below. Failure to accurately respond to this question will result in you forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

Conviction History

In accordance with the Former Offenders Act, 1974 PA 381, this is to provide you with an opportunity to explain your affirmative response to the question above which asked if you had been convicted of a felony or misdemeanor.

If you are unsure of exact details, respond to the best of your knowledge. The information requested on this form is required under 1984 PA 192 and will be used to process your application. Attach additional sheet(s) if necessary.

YOUR NAME WHEN CONVICTED	
<u>MICHAEL G RUHL (SAME)</u>	
INDICATE CONVICTION(S) FOR WHICH YOU WERE CHARGED	
<u>RETAIL FRAUD, CCW, OPEN INTOX, MIP, MULTIPLE D.W.I.S</u>	
DATE(S) OF CONVICTION(S) AND SENTENCE(S)	
<u>9/3/1992 8/10/1992 1/25/1994 4/24/1995 1995 - 2004</u>	
NAME AND ADDRESS OF SENTENCING COURT(S)	
<u>52ND DISTRICT, 6TH CIRCUIT, 16TH DISTRICT, 46TH DISTRICT, 65 B DISTRICT</u>	
CHECK YES OR NO TO THE FOLLOWING	
1. Are you a current inmate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Are you currently on probation / parole? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. If yes, provide the name, address and telephone number of the correctional facility, probation officer or parole officer.	
RELEASE DATE FROM CUSTODY, PROBATION OR PAROLE	
REHABILITATION PROGRAMS ENROLLED IN OR COMPLETED	

Conviction History Certification and Signature (To be signed only if Conviction History section above is completed)

I hereby certify the statements and facts provided are true and accurate to the best of my knowledge. By signing this form, I give my permission to allow the Bureau of Construction Codes to contact appropriate agencies regarding my record of conviction(s).

SIGNATURE

M. G. RUHL

DATE

1/26/08

Experience Record

- ALREADY ON FILE AND NOTERIZED

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME			DATES EMPLOYED (Month / Day / Year)	
			FROM	TO
ADDRESS			TYPE OF WORK PERFORMED	
			<input type="checkbox"/> Residential <input type="checkbox"/> Full-Time	
			<input type="checkbox"/> Commercial <input type="checkbox"/> Part-Time	
			<input type="checkbox"/> Industrial Hours per week _____	

DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)

Employer Complete The Following

I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.		Subscribed and sworn before me, this _____ day of _____, 20____	
SIGNATURE OF CONTRACTOR OF RECORD	DATE	a Notary Public in and for _____ County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)		Signature of Notary Public _____	
LICENSE NUMBER	TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20____	

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME			DATES EMPLOYED (Month / Day / Year)	
			FROM	TO
ADDRESS			TYPE OF WORK PERFORMED	
			<input type="checkbox"/> Residential <input type="checkbox"/> Full-Time	
			<input type="checkbox"/> Commercial <input type="checkbox"/> Part-Time	
			<input type="checkbox"/> Industrial Hours per week _____	

DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)

Employer Complete The Following

I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.		Subscribed and sworn before me, this _____ day of _____, 20____	
SIGNATURE OF CONTRACTOR OF RECORD	DATE	a Notary Public in and for _____ County, Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)		Signature of Notary Public _____	
LICENSE NUMBER	TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20____	

Experience Record

It is necessary to show a minimum of 3 years experience in one or more of the work classifications. List your present employer first. Describe the type of work performed in detail to enable the reviewer to correctly evaluate your qualifications. Describe the work classifications you have had experience in and the length of time you performed the work. Have each contractor of record certify your dates of employment and have their signatures notarized. Attach extra sheets if necessary.

EMPLOYER NAME			DATES EMPLOYED (Month / Day / Year)	
			FROM:	TO:
ADDRESS			TYPE OF WORK PERFORMED	
			<input type="checkbox"/> Residential	<input type="checkbox"/> Full-Time
CITY	STATE	ZIP CODE	<input type="checkbox"/> Commercial	<input type="checkbox"/> Part-Time
			<input type="checkbox"/> Industrial	Hours per week _____
DESCRIPTION OF WORK PERFORMED (Include experience in specific work classifications)				
<i>ALREADY ON FILE</i> ↓				
Employer Complete The Following				
I hereby certify the applicant was in my employ during the period stated and the applicant's description of experience on this application is accurate.			Subscribed and sworn before me, this _____ day of _____, 20____	
SIGNATURE OF CONTRACTOR OF RECORD		DATE	a Notary Public in and for _____ County Michigan	
NAME OF CONTRACTOR OF RECORD (No Initials)			Signature of Notary Public _____	
LICENSE NUMBER		TELEPHONE NUMBER (Include Area Code)	My Commission expires: _____, 20____	

Certification and Signature (MUST BE SIGNED BY ALL APPLICANTS)

I certify all information in this application is true and complete and I agree and understand any falsification of material facts will result in my forfeiting any rights of consideration for examination and issuance of a mechanical contractor's license in the state of Michigan.

SIGNATURE OF APPLICANT <i>M. J. R. U.</i>	DATE <i>1/26/08</i>
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JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH COOLEY
DIRECTOR

August 30, 2007

M-07-25

TO: Members of the Board of Mechanical Rules
FROM: Tennison B. Barry, Chief, Mechanical Division
SUBJECT: Good Moral Character

APPLICANT REPRESENTATIVE:

Michael Ruhl

PROJECT:

Not applicable.

AUTHORITY:

The Forbes Mechanical Contractors Act of 1984 as Amended, being Act 192 of the Michigan Compiled Laws.

REQUEST:

Applicant appeals denial of application for license examination. Application was denied based on Former Offenders Act, PA 381 of 1974; 338-41 Good moral character.

APPLICABLE RULE:

R 338.903a. Of the Board of Mechanical Rules License Examination Procedures

RECOMMENDATION:

Staff has no recommendation



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

August 30, 2007

Mr. Michael G. Ruhl
21140 E. Glen Haven Circle
Northville, MI 48167

Dear Mr. Ruhl:

On September 19, 2007 the Board of Mechanical Rules will consider your appeal of the denial by staff for Mechanical Contractor Licensing Examination.

If you would like input on this action, you should be present at the Okemos Office Building, 2501 Woodlake Circle, Okemos, Michigan at 9:00 a.m. in Conference Room 3.

The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact the Mechanical Division at 517/241-9325 at least (10) working days before the event.

If I can be of further assistance, you may contact me

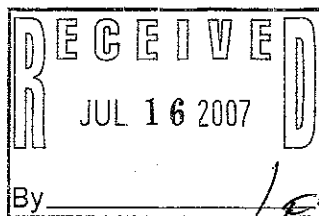
Sincerely,

Tennison B. Barry
Tennison B. Barry, Chief
Mechanical Division

TBB/cct

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30255 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/bcc



P.O. Box 30254
Lansing, Michigan 48909

By LETTER OF APPEAL

I CAN NOT MAKE EXCUSES FOR MY BEHAVIOR WHEN I WAS YOUNGER, I MADE SOME BAD DECISIONS AND HAVE TO LIVE WITH THEM. HOWEVER IN RECENT YEARS I HAVE COMPLETELY TURNED MY LIFE AROUND. I PICKED UP THE TRADE OF PLUMBING AND EXCELLED AT IT. SHORTLY AFTER BECOMING AN APPRENTICE I WAS IN CHARGE OF MY OWN CREW AND RUNNING JOBS. LAST YEAR I BECAME A JOURNEY MAN AND PLAN TO TAKE MY MASTERS EXAM IN 5 MONTHS. I AM RESPECTED AT WORK AND TAKE ON RESPONSIBILITY WITH EASE. I PURCHASED MY OWN HOME AND STARTED MY OWN COMPANY, PLAN TO GET MARRIED THIS YEAR, AND ALSO HOPE FOR CHILDREN SOON. I DON'T FEEL MY CRIMINAL RECORD IS A PROPER REPRESENTATION OF MY CHARACTER AND REALLY HOPE YOU ~~CAN~~ SEE THIS AND ALLOW ME TO TAKE MY MECHANICAL LICENSE EXAM.

SINCERLY,

11 - 17



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

October 1, 2007

Mr Michael G. Ruhl
21140 E. Glen Haven Circle
Northville, MI 48167

RE: Michael Ruhl, Petitioner

Vs

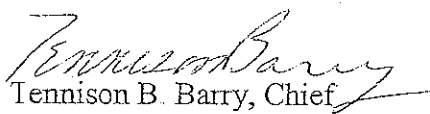
Bureau of Construction Codes, Respondent

Dear Mr. Ruhl:

Enclosed you will find a signed copy of the Final Agency Order of the Board of Mechanical Rules. The Board denied your appeal for the Mechanical Contractor Licensing Examination at their meeting September 19, 2007.

If you have any questions, please contact our office at (517) 241-9325.

Sincerely,


Tennison B. Barry, Chief
Mechanical Division

IBB/cct

Enclosures

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30255 • LANSING, MICHIGAN 48909
Telephone (517) 241-9325 • Fax (517) 241-9308
www.michigan.gov/bcc

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
OKEMOS OFFICE BUILDING
PO BOX 30254
LANSING, MICHIGAN 48909**

In the Matter of:

Michael Ruhl, Petitioner

Vs

Bureau of Construction Codes, Respondent

Appeal Document: M-07-25

MEMORANDUM OF TRANSMITTAL

The attached FINAL AGENCY ORDER of the BOARD OF MECHANICAL RULES is issued pursuant to the Forbes Mechanical Contractor's Act, PA 192 of 1984.

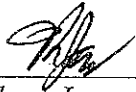
A party may file an appeal in accordance with Chapter 6 of 1969 PA 306.

DECISION AND ORDER

On September 19, 2007, the Board of Mechanical Rules reviewed Mr. Michael Ruhl's application for Mechanical Contractor Licensing Examination.

The Board determined that Mr. Ruhl does not meet the requirements necessary for examination pursuant to the Forbes Mechanical Contractors Act, PA 192 of 1984 and the Former Offenders Act, PA 381 of 1974, sec. 338-41.

The Board of Mechanical Rules denies the appeal of Mr. Ruhl for Mechanical Contractor Licensing Examination.



Robert Jagenberg, Chairperson

10-5-07

Date

**MICHIGAN CONSTRUCTION CODE COMMISSION
BUREAU OF CONSTRUCTION CODES**

2501 Woodlake Circle
Okemos, Michigan 48864

Appeal Docket No.
CCC-MECH 08-007

Petitioner, Jack Berry, Midwest Church Design, Ltd.

vs

Respondent, Bureau of Construction Codes, Mechanical Division

NOTICE OF HEARING

Date: July 16, 2008
Time: 9:00 AM
Location: 2501 Woodlake Circle
Okemos, MI 48864
Conference Room #3, 1st Floor

Pursuant to the authority contained in Section 16 of 1972 PA 230, the Michigan Construction Code Act (MCLA 125.1516).

A hearing will be held in response to the request of Jack Berry dated 06/18/2008 to appeal for relief from the requirements of the Michigan Mechanical Code. In the event that a party in this hearing intends to offer additional exhibits, transmit one (1) copy to each party listed on the attached proof of service and (1) copy to this office with proof of service not later than July 9, 2008.

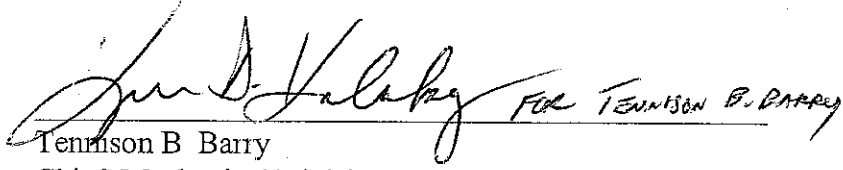
All parties are expected to be prepared to present competent evidence regarding the disputed issues. This hearing will be conducted in accordance with procedures applicable to contested cases and the Administrative Procedures Act of 1969.

Exhibits:

Exhibit 1
Exhibit 2

Exhibit 3
Exhibit 4


MICHIGAN CONSTRUCTION CODE COMMISSION


Tennison B. Barry
Chief, Mechanical Division

7-2-2008
Date

PROOF OF SERVICE
Appeal Packet Notice of Hearing
Including Exhibits #1 through #4
CCC-MECH 08-007

I, Claudia Tenny, hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, e-mail and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 30th day of April 2008



Claudia Tenny
Mechanical Division

Jack Berry
Midwest Church Design, Ltd.
634 Eckel Road
Perrysburg, OH 48551

Don Dornbush
Meridian Christian Church
P.O. Box 655
Okemos, MI 48805

John Heckaman
Meridian Township Building Division
5151 Marsh Road
Okemos, MI 48864

Application for Construction Code Appeal
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
P O Box 30255, Lansing, MI 48909
517-241-9328
www.michigan.gov/bcc

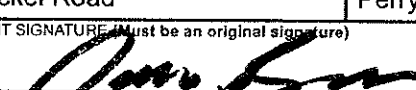
Agency Use Only

Application Fee: \$500.00

Authority: 1972 PA 230
Completion: Voluntary
Penalty: Appeal will not be heard

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

Note: The applicant is responsible for all fees applicable to this application.

FACILITY INFORMATION				
FACILITY NAME Meridian Christian Church			ADDRESS 2600 Bennett Road	
NAME OF CITY VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Township Of Meridian			COUNTY Ingham	
BUILDING DATA				
GROSS FLOOR AREA <input checked="" type="checkbox"/> New Building 20,100 sf <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair				
CLASSIFICATION PER BUILDING CODE Building Use A-3 Construction Type VB No. of Occupants 620 Area/Floor 6,000sf No. of Floors 1				
PERMIT HOLDER				
NAME (Company or Individual) Meridian Christian Church		CONTACT PERSON Don Dornbush		TELEPHONE NUMBER (Include Area Code) (517) 332-8044
ADDRESS P.O. Box 655	CITY Okemos	STATE MI	ZIP CODE 48805	FAX NUMBER (Include Area Code) (517) 332-8049
BUILDING OWNER				
NAME (Company or Individual) Meridian Christian Church		CONTACT PERSON Don Dornbush		TELEPHONE NUMBER (Include Area Code) (517) 332-8044
ADDRESS P.O. Box 655	CITY Okemos	STATE MI	ZIP CODE 48805	FAX NUMBER (Include Area Code) (517) 332-8049
BUILDING PERMIT AUTHORITY				
ENFORCING AGENCY Meridian Township Building Division		NAME OF BUILDING OFFICIAL John Heckaman		TELEPHONE NUMBER (Include Area Code) (517) 853-4500
ADDRESS 5151 Marsh Road	CITY Okemos	STATE MI	ZIP CODE 48864	FAX NUMBER (Include Area Code) (517) 853-4095
SUMMARY OF APPEAL				
CODE UNDER WHICH APPEAL IS SOUGHT <input type="checkbox"/> Building (141) <input type="checkbox"/> Electrical (116) <input checked="" type="checkbox"/> Mechanical (131) <input type="checkbox"/> Plumbing (99)				
CODE SECTION(S) MMC, Section 507.2.2 Exception (3)			Provide copies of the following as appropriate (see instructions for number of copies): <input type="checkbox"/> Statement of Facts and Reasoning <input checked="" type="checkbox"/> Copy of Enforcing Agency Determination <input type="checkbox"/> Supporting Material <input type="checkbox"/> Copy of Decision of Local Board of Appeals <input type="checkbox"/> Transcript of Local Board of Appeals Hearing	
DESIRED RELIEF (State Briefly) We are asking for a variance to keep the residential style exhaust hoods planned and not upgrade to commercial Type II style exhaust hoods.				
BASIS OF APPEAL (State Briefly) The kitchen in this facility will be strictly for warming purposes only. All food will be prepared by individuals off-site. The ranges are provided for warming purposes only and will not lead to grease laden vapors.				
APPLICANT (Note: All correspondence will be sent to this address)				
NAME OF COMPANY Midwest Church Design, Ltd.		APPLICANT NAME Jack Berry		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) 73-1673230
ADDRESS 634 Eckel Road	CITY Perrysburg	STATE OH	ZIP CODE 43551	TELEPHONE NUMBER (Include Area Code) (419) 874-0838
APPLICANT SIGNATURE (Must be an original signature) 		DATE 4/17/08		FAX NUMBER (Include Area Code) (419) 874-2295

This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act

Instructions for Application for Construction Code Appeal

Facility Information: Provide all information requested.

Building Data: Provide all information requested from the building permit or plan review.

Permit Holder: Provide the information requested for the entity named on the permit.

Building Owner: Provide the information requested for the entity that owns the building, which is the subject of the appeal.

Building Permit Authority: Provide all information requested for the enforcing agency.

Summary of Appeal: Code; provide the code under which an appeal is sought. Code Section(s); provide the code section(s) that are the subject of the appeal. Desired Relief; describe the remedy being sought. Basis of Appeal; provide a brief statement why the requested remedy should be granted. Provide Copies; provide copies of the documents as listed below:

Building Code - 8 copies
Electrical Code - 15 copies
Mechanical Code - 18 copies
Plumbing Code - 11 copies

Applicant: Provide all information requested.

Note: If the decision being appealed is that of a local Board of Appeals, this application and the filing fee must be received in our office within 10 business days of the filing of the decision of the local board of appeals in accordance with Section 16 of 1972 PA 230.

Validation Area

U.S. Postal Service

Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
(Address to appropriate division-Electrical
Division, Mechanical Division or Plumbing
Division)

*Please address Building appeals to Plan
Review Division)*

P.O. Box 30255
7150 Harris Drive
Lansing, MI 48909

Courier Other Than U.S. Postal Service

Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
(Address to appropriate division-Electrical
Division, Mechanical Division or Plumbing
Division)

*Please address Building appeals to Plan
Review Division)*

2501 Woodlake Circle
Okemos, MI 48864



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

April 24, 2008

Mr. Jack Berry
Midwest Church Design LTD
634 Eckel Road
Perrysburg, OH 43551

RE: Project Number: 76099 - Ingham	Use Group:	A3B
Arch. Project Number: N/A	Construction Type:	VB
Meridian Christian Church	Square Footage:	New 20100
2600 Bennett Road	Actual Occupant Load:	620
Meridian, MI		

Dear Mr. Berry:

This project has been reviewed for compliance with the State of Michigan Construction Code.

2005 Michigan Electrical Code - Philip Siuda

We have received your response letter dated February 29, 2008 (with transmittal letter dated April 4, 2008); to our plan review letter dated January 28, 2009. The project is approved subject to the following conditions:

New Item (Plan Review Item #13) - NEC, Section 240.21 - An overcurrent device shall be connected where the conductor to be protected receives its supply.

Specifically, the "Santinasium Egress Lighting Riser" is not clear as to where the egress lighting is connected in D2 (sheet E3.0). If the intention is to use the "Tap Rules," the installation is not compliant (#10 conductors with an 80 amp overcurrent device ahead of panel D2). The tap rules allow connection to a "CONDUCTOR" not a connection by means of double lugging or any other similar means.

This project is approved for compliance with the Michigan Electrical Code, subject to field inspection.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9328 • Fax (517) 241-9308
www.michigan.gov/vcc

CCC-MECH 08-007
EXHIBIT 2

Mr. Jack Berry
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April 24, 2008

2006 Michigan Mechanical Code - Jeffrey Quirante

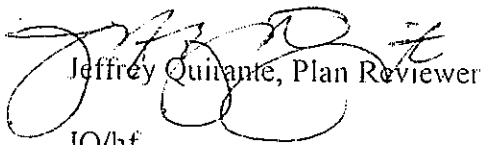
MMC, Section 507 2.2 Exception (3) - Ovens used for re-heating foods previously cooked.

Ranges shall be removed.

Upon receipt of 2 complete set(s) of revised plans responding to the Mechanical code(s) plan review comments noted herein, the plan review approval will be forwarded.

If you have any questions regarding your plan review, please contact our office at (517) 241-9328.

Sincerely,



Jeffrey Quirante, Plan Reviewer

JQ/hf

cc: BCC - Electrical, Mechanical Division(s)

required to comply with sections 507.4, 507.5, 507.7, 507.12, 507.13, 507.14, and 507.15 of the code

3. Net exhaust volumes for hoods may be reduced during no-load cooking conditions, where engineered or listed multi-speed or variable-speed controls automatically operate the exhaust system to maintain capture and removal of cooking effluents as required

R 408 30935a

507.2 Where required. A Type I or Type II hood shall be installed at or above all commercial cooking appliances in accordance with Sections 507.2.1 and 507.2.2. Where any cooking appliance under a single hood requires a Type I hood, a Type I hood shall be installed. Where a Type II hood is required, a Type I or Type II hood shall be installed.

507.2.1 Type I hoods. Type I hoods shall be installed where cooking appliances produce grease or smoke, such as occurs with griddles, fryers, broilers, ovens, ranges and wok ranges.

507.2.2 Type II hoods. Type II hoods shall be installed where cooking or dishwashing appliances produce heat or steam and do not produce grease or smoke, such as steamers, kettles, pasta cookers, dishwashing machines, and ovens.

Exceptions:

1. Under-counter type commercial dishwashing machines.
2. A type II hood is not required for dishwashers and potwashers that are provided with heat and water vapor exhaust systems that are supplied by the appliance manufacturer and are installed in accordance with the manufacturer's instructions.
3. Ovens used for re-heating foods previously cooked.

R 408 30935a

507.2.3 Domestic cooking appliances used for commercial purposes. Domestic cooking appliances utilized for commercial purposes shall be provided with Type I or Type II hoods as required for the type of appliances and processes in accordance with Sections 507.2, 507.2.1 and 507.2.2

507.2.4 Solid fuel. Type I hoods for use over solid fuel-burning cooking appliances shall discharge to an exhaust system that is independent of other exhaust systems

507.3 Fuel-burning appliances. Where vented fuel-burning appliances are located in the same room or space as the hood, provisions shall be made to prevent the hood system from interfering with normal operation of the appliance vents.

507.4 Type I materials. Type I hoods shall be constructed of steel not less than 0.043 inch (1.09 mm) (No. 18 MSG) in thickness, or stainless steel not less than 0.037 inch (0.94 mm) (No. 20 MSG) in thickness

507.5 Type II hood materials. Type II hoods shall be constructed of steel not less than 0.030 inch (0.76 mm) (No. 22 Gage) in thickness, stainless steel not less than 0.024 inch (0.61 mm) (No. 24 Gage) in thickness, copper sheets weighing not less than 24 ounces per square foot (7.3 kg/m²), or of other approved material and gage

507.6 Supports. Type I hoods shall be secured in place by non-combustible supports. All Type I and Type II hood supports shall be adequate for the applied load of the hood, the unsupported ductwork, the effluent loading, and the possible weight of personnel working in or on the hood.

507.7 Hood joints, seams and penetrations. Hood joints, seams and penetrations shall comply with Sections 507.7.1 and 507.7.2.

507.7.1 Type I hoods. External hood joints, seams and penetrations for Type I hoods shall be made with a continuous external liquid-tight weld or braze to the lowest outermost perimeter of the hood. Internal hood joints, seams, penetrations, filter support frames, and other appendages attached inside the hood shall not be required to be welded or brazed but shall be otherwise sealed to be grease tight.

Exceptions:

1. Penetrations shall not be required to be welded or brazed where sealed by devices that are listed for the application.
2. Internal welding or brazing of seams, joints, and penetrations of the hood shall not be prohibited provided that the joint is formed smooth or ground so as to not trap grease, and is readily cleanable.

507.7.2 Type II hoods. Joints, seams and penetrations for Type II hoods shall be constructed as set forth in Chapter 6, shall be sealed on the interior of the hood and shall provide a smooth surface that is readily cleanable and water tight

507.8 Cleaning and grease gutters. A hood shall be designed to provide for thorough cleaning of the entire hood. Grease gutters shall drain to an approved collection receptacle that is fabricated, designed and installed to allow access for cleaning

507.9 Clearances for type I hood. A type I hood shall be installed with clearances from combustibles as required by NFPA 96-2001 as listed in chapter 16

R 408 30935a

507.10 Hoods penetrating a ceiling. Type I hoods or portions thereof penetrating a ceiling, wall or furred space shall comply with all the requirements of Section 506.3.10.

507.11 Grease filters. Type I hoods shall be equipped with listed grease filters designed for the specific purpose. Grease-collecting equipment shall be provided with access for cleaning. The lowest edge of a grease filter located above the cooking surface shall be not less than the height specified in Table 507.11

**TABLE 507.11
MINIMUM DISTANCE BETWEEN THE LOWEST EDGE OF A
GREASE FILTER AND THE COOKING SURFACE OR THE
HEATING SURFACE**

TYPE OF COOKING APPLIANCES	HEIGHT ABOVE COOKING SURFACE (feet)
Without exposed flame	0.5
Exposed flame and burners	2
Exposed charcoal and charbroil type	3.5

For SI: 1 foot = 304.8 mm

507.11.1 Criteria. Filters shall be of such size, type and arrangement as will permit the required quantity of air to pass

Meridian Christian Church
PO Box 655
Okemos, MI 48805-0655



Thursday, February 14, 2008

Steve Schlachter, Fire Marshall
Meridian Township EMS/Fire Department
5151 Marsh Road.
Okemos, MI 48864

Dear Steve,

The requested change from a two bay sink to a three bay sink (which resulted in alterations to the plumbing and grease interceptor) came at the request of one of our building team members for sanitation reasons.

It is the intent that the kitchen facility in the Meridian Christian Church facility currently under construction at 2600 Bennett Road is to be used only for food warming. Meridian Christian Church is attesting to this statement in order to avoid installing a hood suppression system at this time. Any food that is served from this kitchen will be prepared by the participants of the church in their own kitchens and shared pot-luck or will be prepared off site.

Meridian Christian Church understands that their occupancy approval is contingent on the kitchen not being utilized for the preparation and serving of food prepared in the kitchen for anyone other than the full time staff.

If at any time hereafter Meridian Christian Church utilizes their kitchen for food preparation and the serving of food prepared in the kitchen for anyone other than full time staff, Meridian Christian Church agrees to the following:

The removal of all cooking appliances until an approved hood suppression system is installed per the requirements of the Fire Code. Meridian Christian Church also acknowledges that if the cooking appliances are not removed per above within 72 hours, Meridian Christian Church will have violated a condition of their occupancy permit.

Sincerely yours,

Rick Stacy,
Senior Pastor

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EXHIBIT 4